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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 15 September 2015

Journal des débats (Hansard)

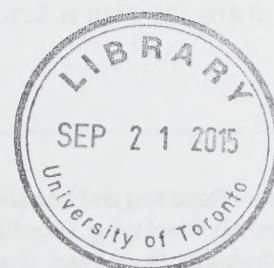
Mardi 15 septembre 2015

Standing Committee on Social Policy

Appointment of subcommittee

Comité permanent de la politique sociale

Nomination des membres
du sous-comité



Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

Président : Peter Tabuns
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 15 September 2015

Mardi 15 septembre 2015

The committee met at 1604 in room 151.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. We're here for the appointment of the subcommittee due to membership changes. Is there a motion? Mr. Thibeault.

Mr. Glenn Thibeault: I move that Ms. McGarry replace Madame Lalonde on the subcommittee on committee business.

The Chair (Mr. Peter Tabuns): All right. Any discussion? Shall the motion carry? The motion is carried.

That is all the business we have for today. The committee stands adjourned.

The committee adjourned at 1605.

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STANDING COMMITTEE ON SOCIAL POLICY

Chair / Président

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Vice-Chair / Vice-Président

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Mr. Granville Anderson (Durham L)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mrs. Gila Martow (Thornhill PC)

Mrs. Kathryn McGarry (Cambridge L)

Mr. Norm Miller (Parry Sound–Muskoka PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

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Clerk / Greffière

Ms. Valerie Quioc Lim

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Mr. Michael Huynh, research officer,
Research Services



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Official Report of Debates (Hansard)

Monday 16 November 2015

Journal des débats (Hansard)

Lundi 16 novembre 2015

Standing Committee on Social Policy

Smart Growth for Our
Communities Act, 2015

Comité permanent de la politique sociale

Loi de 2015 pour une croissance
intelligente de nos collectivités



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 16 November 2015

Lundi 16 novembre 2015

*The committee met at 1406 in room 151.*SMART GROWTH FOR OUR
COMMUNITIES ACT, 2015LOI DE 2015 POUR UNE CROISSANCE
INTELLIGENTE DE NOS COLLECTIVITÉS

Consideration of the following bill:

Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act / Projet de loi 73, Loi modifiant la Loi de 1997 sur les redevances d'aménagement et la Loi sur l'aménagement du territoire.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're here for clause-by-clause consideration of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

I propose that consecutive sections with no amendments be grouped together unless any members would like to vote on a section separately. Before we continue, let's just make sure that we're in agreement with that. If there are consecutive sections and there's no amendments, would you be amenable to voting on those as a group, or would you like to vote on each section separately?

Mr. Lou Rinaldi: As a group is fine.

The Vice-Chair (Mr. Jagmeet Singh): "As a group," I hear from Mr. Rinaldi. Any objection to that?

Mr. Percy Hatfield: I'd like to go clause-by-clause.

The Vice-Chair (Mr. Jagmeet Singh): Sure, we can do so. Mr. Hatfield has a concern of wanting to not group them together. Anyone else have any opinion either way?

Mr. Ernie Hardeman: I would prefer to do them separately.

The Vice-Chair (Mr. Jagmeet Singh): Separately, okay. We have two folks talking about handling it separately, so I think in the interest of ensuring that everyone is able to vote on the section, they know what they're talking about and they know what the section is about, I guess it's okay to go ahead and keep it separate.

Are there any general comments or questions before we proceed? Seeing none, we will begin with section 1.

There are no amendments to section 1 in general, but we will first off ask: Are there any questions, comments or amendments to any section of the bill?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Specifically to section 1, is there any debate or any concern that anyone would like to raise with respect to section 1? Seeing none, shall section 1 carry? Okay. Carried.

Moving to section 2: There is an amendment in section 2. It's PC motion number 1. Ms. Martow.

Mrs. Gila Martow: I move that subsection 2(2) of the bill be struck out and the following substituted:

"(2) Subsection 2(4) of the act is repealed and the following substituted:

"Ineligible services

"(4) A development charge bylaw may not impose development charges to pay for increased capital costs required because of increased needs for any of the following:

"1. The provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries.

"2. The provision of tourism facilities, including convention centres.

"3. The provision of a hospital as defined in the Public Hospitals Act.

"4. Other services prescribed in the regulations."

The Vice-Chair (Mr. Jagmeet Singh): Is there any debate on this motion? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: I think the reason for this is that there's obviously a reason in the act presently to deal with those things that people should buy into when they come into a community, buying a new house. Development charges are paid on it, such as the sewers that go in the ground and the traffic that's going to be created to build roads, the sewer pipes and all the other things, the amenities that are needed in the community. But when you get to the list that presently are exempt, the bill generally says that we're going to keep things the same.

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The only one the bill actually moves from the ineligible services to eligible is transit, but there are other ones, the non-eligible ones, that they're going to put in by regulation, as opposed to the legislation. I think that the industry is going to feel much more comfortable investing in housing and keeping housing affordable for people—they're going to feel much better looking at some of these that definitely shouldn't be considered as something that people should have to pay capital cost on, even though they don't live there at the present time. If they are going to build a tourist attraction in a com-

munity, that shouldn't be paid by someone who's going to build a house today, or five years down the road pay back for when they decided to build the tourist attraction. In fact, that tourist attraction is being built for and required by the people who presently live in the community. The new housing should pay for the operation of it when they come into the community, but not pay up front even though they weren't there.

I think that rather than put those types of services in by regulation to say that the minister can regulate the non-eligible services, we think some of these facilities, like tourism facilities, including convention centres, provisions for hospitals—the hospital one is a little different, and we'll talk about that in a minute. Other services provided by regulation—the last one, of course, is to do exactly what the bill presently does, which is to allow the minister to set by regulation. But these here we believe should be taken out of that regulatory business and put in that they are ineligible services.

The hospitals have become a big thing. For years and years, in fact, when hospitals were first being built, the municipalities built the hospitals. The community built hospitals. That's why it's a public board that runs the hospital, not the Ministry of Health. That's how the hospital system was structured.

Over time, the province has become much more involved, but there's still a great contribution by the community out of the general tax base. It doesn't matter where you live in the country; you're involved in that same system. So you're paying out of your tax base to build hospital services in the community of Ontario. Just because you decided to move from London into a new house in St. Thomas, why should that house pay that much more in development charges to build a hospital, since they had been paying the same as everyone else in the province to build hospital services out of their property taxes all along? It should be a service that municipalities are presently providing, presently are not allowed in development charges, but they, out of their free will, out of their tax base, pay for that. That's how it's distributed evenly to all of the people of the province and health care is available to all of the people of the province.

The municipality doesn't get to decide when they're going to build a new hospital or if they are going to build a new hospital; the province does that. So I think this should be one of those where the municipalities, of their own free will, through the tax base, should be allowed to help build hospitals, but I don't think it should go onto new housing and make new housing less affordable to the people. I think we're having that challenge already. People can't afford to buy the houses that we're presently building, and adding more and more development charges on is going to make it more and more difficult and we're going to have an ever-increasing crunch in the housing system.

We believe that the tourism facilities and convention centres and the provision for the hospital as defined by the hospital act—those two should remain in the exempt

class, that they are not to be covered by development charges, and that's why we're putting this one forward. We hope the government can see the wisdom to support that motion, because I think that would make it much clearer for people who are going to build in our communities and try and keep the housing affordable for people who are going to move into our communities. Recognizing that the vast majority of those people are coming from another community or even coming from the same community, why should they have to pay an extra share because they bought a different house?

The Vice-Chair (Mr. Jagmeet Singh): Any further question, comment or debate? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Mr. Chair, and good afternoon. I think there's a basic principle, and that is that growth should pay for growth. I don't think there should be an ineligible list at all. I think a community benefits if there is a hospital in the community. I think a hospital can be an attraction to lure new medical personnel—doctors, nurses and specialists—to a community. I believe a community benefits from a hospital or a tourist and convention bureau. I believe a community benefits if more conventioners come and spend their money in a community.

So I don't think there should be a list of ineligible criteria at all. I think growth should pay for growth and that we should do away with the ineligibility list altogether.

The Vice-Chair (Mr. Jagmeet Singh): Any further comment? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I'm going to fall right between them, obviously, because we're going at opposite ends here.

I recommend not supporting the motion for a couple of reasons. Bill 73 proposes to identify ineligible services exclusively through regulations to provide greater flexibility to make changes to the list of ineligible services as we progress. The proposed motion will reduce the government's flexibility to make changes and to be responsive to stakeholder needs as they happen. All stakeholders agree that there is merit to revisiting the list of ineligible services when there's advanced asset management planning by the municipal sector.

For those reasons, Chair, I'm not prepared to support it.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions? Mr. Hardeman.

Mr. Ernie Hardeman: Well, Mr. Chairman, to the parliamentary assistant's comments—and to the third party, I agree: Growth should pay for growth. But why would cultural services be part of growth? The growth isn't creating the need for the cultural services. If we're looking at building, that is building it for the people who are already there. And the people who are coming into the new houses are going to start paying the minute that they get there. So if they aren't already built, they're going to pay as much towards it as anyone else in the community. Why should their new house go up by that much to cover the cost of that when, in fact, they don't

really owe any more than anyone else in the community on building those cultural services? I think it's wrong that they would be considered the same.

I do want to correct one thing I said in my earlier remarks, Mr. Chairman. I mentioned that the one service we do agree to put in the allowable services—it wasn't transit; it was waste management. I think that's very important. Having been involved in a landfill siting for a long time, I know there's a lot of dollars involved in siting a landfill, and so the cost of doing that. I think it's practical to say, "Yes, the house will create that." All the money we're spending is for future space in a landfill, so it makes good sense that that would be part of coming and that the amount of space required is in direct connection to the number of people coming to the community. So that's part of growth and I think that should be part of an eligible service.

But cultural and tourist attractions and bureaus—it just doesn't make any sense that for people coming in, who are barely able to afford the down payment on the house, we have to increase it again by paying for a museum or cultural services. At this time, they don't want an art gallery. If they build an art gallery, it's not being caused by the growth; it's being caused by the number of people who are already there. If the art gallery needs replacing, it's not because new people are coming; it's because the art gallery has been used for a long time and it's worn out. In my mind, there's no reason why that is a cost of growth.

I agree with the principle that growth should pay for growth, but I don't think new people or growth should pay for all the future expansion in a municipality. I think it's that part of the expenditure that they could use that they should pay for, but they shouldn't pay any more than that.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions or comments? Okay, are we prepared to go to a vote?

Mr. Ernie Hardeman: A recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote has been noted by Mr. Hardeman, so this vote will be recorded.

Ayes

Hardeman, Martow.

Nays

Anderson, Dhillon, Hatfield, Mangat, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Next motion, motion number 2, is an NDP motion. Mr. Hatfield.

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Mr. Percy Hatfield: I move that subsection 2(2) of the bill be struck out and the following substituted:

"(2) Subsection 2(4) of the act is repealed."

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Mr. Hatfield.

Mr. Percy Hatfield: It's basically the same argument, Chair, that growth should pay for growth, and if you have a list of ineligible criteria, then it's not paying for growth. I disagree with Mr. Hardeman in the sense that, to me, the value—if you will, the bragging rights of a community—is such that if you have a museum or you have a sports facility or you have cultural activity going on in your community, that is an attraction in itself. If you are trying to lure, for example, new doctors to come to an underserved community, you say to them that you have so many golf courses, so many libraries, so many museums, so many concerts where you bring in world-class entertainment. In order for those facilities to be there, somebody has to pay for them.

I think they benefit the entire community. I think arts and culture should be celebrated by everyone and should be made available on the widest scale. That's why I believe such criteria should be abolished and all growth should pay for growth, because it will benefit the entire community.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments, any questions? Mr. Hardeman and then Ms. Martow.

Mr. Ernie Hardeman: Mr. Chair, my argument on this one is that, as Mr. Hatfield has done, it's exactly opposite to his argument. And, going back, it almost will sound like it would be out of order because I'm speaking more to the last motion, but I'm actually speaking to this one.

Mr. Hatfield is suggesting in this motion that if you had no exemptions, growth should pay for growth, but why should growth pay to build a new community for the people who are there? When growth starts, the person buying the house pays the development charges, not the developer. The person who is buying that first house pays that in their mortgage.

If you're trying to lure people to your community by increasing the price of housing, that's not going to bring new people into the community. If you want to build a new library, yes, more people coming in will—and, incidentally, a library was something in our motion we exempted them from; they would be allowed to be charged. But if you're going to build a new museum in your community, if you have 100 new homes that are going to help pay for that, starting today—it hasn't been built yet—they're all going to come in and they're going to start paying for that. Why should they have to pay \$500 up front when no one else in the community paid \$500 because they haven't got a museum now? It just doesn't make any sense to say that that's part of growth.

Going back to it, I think growth should pay for growth. We should have no 10% reductions on some of the services. If it's part of growth, it should be considered development chargeable. If it's not part of growth, if it's just to build something more that the community doesn't have, that shouldn't be allowed to be put on a select few

who would have to pay more for their houses than they can afford to pay because the municipalities can.

If we support this motion, there is no limit at all. They technically wouldn't even need a development charges bylaw because they can charge for anything they want. They could actually come forward with a budget that pays for the maintenance on the road and pays for the snow plowing too so that the rest of the people don't have to pay any more taxes. They wouldn't ever be able to get a new person into the community because nobody could afford to buy the houses in that community. But the truth is, this is so wide open that I couldn't possibly support it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow, you had your hand up before.

Mrs. Gila Martow: Thank you very much. I think there's almost a bit of confusion between development charges and tax levies. A tax levy is something that everybody's charged. In the city of Vaughan, where my house is located, we have a tax levy for a hospital. That means everybody pays a certain amount per year, a couple of hundred dollars. Everybody pays and everybody benefits from a new hospital.

I can't understand why people would think, when they're saying growth should pay for growth, that somehow cultural centres or things that would benefit the entire community should be paid for by the few. You could certainly see that if the community's going to grow by a fifth, they may need another community centre or things like that located in that area, but if something is going to benefit the entire community, then I think the entire community has to pay for it.

We keep talking about affordable housing in this province, specifically in York region. People cannot afford to purchase, and yet we're stacking on higher and higher development charges. We have to set our priorities. We cannot say to doctors, "We're slashing your fees," and yet we're trying to attract doctors to the province or to specific areas of the province by enticing them with golf courses. Well, they're not going to have the money to go play golf if we're slashing their fees. People who are paying high development charges are not going to have the money to join a fitness centre and live a healthy lifestyle.

I think it behooves us to sit down and think about what people can actually afford, not just another layer of taxation. People are paying high income taxes. They're paying gas taxes. They're paying sales taxes. They're paying municipal taxes. People want to start a family. They want to put their kids in hockey. Just last week, I heard people on the radio who said they were borrowing from the bank to pay for their kids to play hockey. We have to really think about our priorities, what people can afford and how we're going to help young families in this province be able to own a condo, a home or a townhouse, and be able to start a family. Higher development charges are not the way to help them.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi and then we'll go back to Mr. Hatfield.

Mr. Lou Rinaldi: Thank you, Chair. I'm not prepared to support the motion, for a couple of reasons. The government has sought to provide a balanced approach to this to address concerns expressed by both the municipal and development stakeholders during the consultation process at the Development Charges Working Group and with the delegations at committee hearings. The proposed motion will not appropriately balance key concerns raised by all the stakeholders. So, Chair, we're just trying to provide a balanced approach.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield and then Mr. Hardeman.

Mr. Percy Hatfield: Thank you, Chair. I would love to pay more taxes on a hospital levy, because my community wants a new hospital and we have to raise 10% of the cost of it. If it's a billion dollars, we're going to have to raise \$100 million; and I look forward to the opportunity because I know that at the end of the day we'll have better medical services, better medical facilities. Yes, I will look forward to doing that, if and when we get the approval to design the hospital and to build it. I believe most people in my community would welcome that opportunity as well.

Look, all politics are local; okay? That's the basis. I know the member from Oxford had a distinguished career as a municipal leader. I know other members across the floor have served on municipal councils. I spent seven years on Windsor city council. I know that municipal councils set development fees, and the municipal councillors are the order of government with the most direct contact with the voters, their constituents. I know that on a regular basis municipal councillors look at development fees and say, "What do we need for growth to pay for growth? Do we have to adjust this?" There are consultations in their communities with the home builders and others on where we should go on development fees. I'll tell you, any time I went through it, not once did the development community say, "Yes, we want it." No, they want it to roll back as opposed to go forward. I know what stakeholders say.

I served some time on the executive at the Association of Municipalities of Ontario. I know what they think about growth paying for growth. I believe growth should pay for growth. It's not up to the provincial government to tell municipalities—you know, you can't have a view from Queen's Park that's going to fit in Oxford, Windsor or anyplace else. Those municipal politicians know what it takes for their community to grow. They also know how much they can charge, how much they can increase their rate if they have to do it—their fees—and they also know that if they increase it too much, it will stagnate growth.

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But that should be their decision. They should have all of the tools in the toolbox at their disposal. If they say to us that there shouldn't be a 10% discount and there shouldn't be ineligible services, I think we should listen.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman?

Mr. Ernie Hardeman: I agree that the municipalities should be able to make their decisions on how much they can tax their people for the services that they believe the people want, and I think that people have to have a recognition of and an understanding that there is only so much money to go around, and they have to set priorities each year as to what they can or cannot do.

I found it interesting when Mr. Hatfield was talking about how he was looking forward to paying more taxes to build a hospital, and I couldn't agree with him more. It's not very often that people are looking forward to paying more taxes, but when—we just went through that; we built a new hospital in the city of Woodstock. People will contribute to building that hospital. But when they do that, the municipality, when they decided how much money they have to come up with to build a hospital, in fact, they came up with their money quicker than the province came up with theirs because they were anxious to get a new hospital.

But nowhere in that process did anyone suggest that people who did not yet live in the community but might be coming in in the next week or two, or the next month or two, should pay another \$500 or \$1,000 on their new house—

Interjection.

Mr. Ernie Hardeman: Well, depending on whether the municipality—with this resolution, there is no restriction on how much they can charge because they can charge what they want on whatever they will.

Everybody would pay, but nobody is suggesting at this point that somebody that doesn't live there yet should also pay. This is what it's enshrining: that they don't live there yet, but when they get there, they have to back-pay their contribution to the hospital that no one that presently lives in the community had to pay, and then their taxes have to pay the extra tax, just like everybody else. It's double taxation for those people coming in, and I think that's the challenge.

I think your comment that developers never want to pay more—I don't know a single developer that's going to absorb this cost. The developers are going to pass this on to the homeowners. This isn't about developers taking the money; this is about passing it directly to the municipality, and the municipality can put it pretty much to what they deem appropriate. They could put development charges in for a hospital—and in our lifetime, the government never approves a hospital. What's going to happen to that money that all of these people have paid into it? I think that things like hospitals, where we would all pay our taxes to build them—a levy as was suggested earlier, specifically for hospitals, makes a lot more sense than putting it on people who were not there.

One of the other things in this whole development charge thing that I think is very important to remember is that the people who are making the decisions at the local level, again evaluating what the people are willing to pay for and how much they're willing to pay, set the tax rate. I know that people would be very distressed when they got the tax bill if the municipality went higher than they

were supposed to, but they do control how much tax they charge on each thousand dollars of assessment on the properties in their municipality.

If this is just doing it to raise money to help municipalities pay for services that are not directly related to growth, it's just a way of hiding the taxes that people are paying. And it's not the people presently in the municipality; it's newcomers to the municipality who are being charged more than their fair share for that. I think that's just totally wrong. That's why I think broadening it up so that no one is even going to have any control—through this, the minister cannot even, by regulation, eliminate—with this motion—the ability of municipalities deciding that what we want to do is we want to buy a new fleet of trucks. I think we should put that in development charges, because our taxes are going up far too fast, and we can just cover that with development charges and do it just prior to a new developer coming in to develop, and we'd add it all on and the minister couldn't do anything about it. So I think this is far too open a resolution to support.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments? Any questions? Okay, let's move to the vote. All those in favour of motion number 2? All those opposed? The motion is defeated. That completes section 2.

At this point, we are in a position to vote on section 2. Any debate on section 2 as it reads? Okay. Now, moving to the vote. All those in favour?

Mr. Ernie Hardeman: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote on section 2 indicated by Mr. Hardeman.

Ayes

Anderson, Mangat, Milczyn, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Vice-Chair (Mr. Jagmeet Singh): The section carries.

Mr. Percy Hatfield: Point of order, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Percy Hatfield: Maybe for the rest of the afternoon we should just have a recorded vote for every vote so that we don't have to ask for it each time, if we can do that.

The Vice-Chair (Mr. Jagmeet Singh): Sure. I think that's acceptable.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I don't know the rationale for this, but the Clerk is indicating that the custom is to request it. I don't have an issue with it being recorded from now onwards. Can I overrule that custom? Let's just do that, because why not. Right? So we are going to record every vote moving forward.

Section 3: We have NDP motion number 3. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.1) Paragraph 4 of subsection 5(1) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Sorry, Mr. Hardeman—yes?

Mr. Ernie Hardeman: I’m just a little curious as to what it all means, if Mr. Hatfield could explain what we’re trying to do with this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any other questions, comments or—

Mr. Lou Rinaldi: Chair, while Mr. Hatfield finds his notes—we’re not going to support the motion. Once again, the government has tried to bring a balanced approach to, actually, the whole bill. The proposed motion will not appropriately balance key concerns raised by all stakeholders. The government has committed to applying a 10-year forward-looking service level for transit service through regulation to help increase transit funding, subject to the passage of this bill. We’re already looking at a certain length of time to create some stability.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Seeing none at this point—Mr. Hatfield, any additional comments?

Mr. Percy Hatfield: No, I have none to make. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. We will now move to the vote. As indicated before, it’s a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We have another motion in subsection 3: Motion number 4. Mr. Hatfield?

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.2) Paragraph 8 of subsection 5(1) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Mr. Rinaldi?

1440

Mr. Lou Rinaldi: Chair, I again recommend opposing this particular motion, for basically the same reasons as the previous motion. Just to recap: We’re trying to bring a balanced approach to the whole Bill 73 piece, and the proposed motion would not appropriately balance key

concerns—once again, taking into account all the stakeholders.

Bill 73 proposes to remove the 10% discount on transit to help increase the transit funding that is much needed in this province.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments? Mr. Hardeman.

Mr. Ernie Hardeman: I’m opposed to this motion, too, and I think it’s exactly in the same way.

I appreciate that the government is removing it on transit, and I can see the need for that, but the 10% is there to make sure that municipalities have some onus to do things in a cost-effective and appropriate manner. If they get all the cost, then who’s to decide how much that’s going to be?

It goes back to my earlier comment. This is more about making sure that the development charges pay for the growth, not necessarily for operating the growth or for helping rebuild that portion of the infrastructure that’s presently worn out and needs rebuilding. I think it’s appropriate that there is a 10% discount there, shall we say, that they can’t change because that’s how much they would be overcharged for an asset that wasn’t worth anything going forward. So I will not be supporting this motion either.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I believe we heard from the financial officers’ association of Ontario as well as the Association of Municipalities of Ontario very strongly that the 10% discount isn’t working for them. These are the first order of government. They deal with this on a daily basis. They know how much it costs to provide services in their community and how much growth costs in their community. If you believe in the basic principle that growth should pay for growth, then I agree with the financial officers and the municipal politicians that they know better than we do. They know better than we do, and they say there should not be a 10% discount, and I support them in that. That’s why this motion is here.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments or questions? Seeing none, we’ll now move to the vote.

This is a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We move to motion number 5. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.3) Subsection 5(2) of the act is repealed and the following substituted:

“Capital costs, deductions

“(2) The capital costs, determined under paragraph 7 of subsection (1), must be reduced, in accordance with the regulations, to adjust for capital grants, subsidies and other contributions made to a municipality specifically for the purpose of funding increased services attributable to the anticipated development for which development charges can be imposed or that the council of the municipality anticipates will be made in respect of the capital costs.”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate? Mr. Hatfield.

Mr. Percy Hatfield: Chair, I'll just basically say that this would remove the mandatory deduction for capital grants, as in the OPTA recommendation. It stills requires the deduction for capital contributions intended specifically for growth to which development charges apply.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments? Mr. Hardeman.

Mr. Ernie Hardeman: I have a problem with this in suggesting that in fact the—we already have it in smaller municipalities, where you look at a bridge in the municipality and you say, “If that bridge needed replacing today, there was no possible way that municipality could ever do it without the help of the province.” I think there are a lot of those situations in the province. If you say that you can put into development charges—when you're doing your bylaw—the total cost of repairing that bridge because you need another one to get to the subdivision; you can put that all in. If it's impossible for the tax base there to pay for it now and you don't include the capital that it would take, then all of a sudden you would double the price of that house to build a bridge, if they can take it and don't have to put in that which they expect in grant money.

It's a \$5-million bridge and they're going to get \$4.5 million in capital grants to do it. But for the one that they actually use when they calculate it for development charges, they calculate the whole \$5 million and it increases the house exponentially so that no one could afford to possibly buy that house. That just doesn't make any sense. So I think you have to look at, when they're evaluating it, what it actually will cost the tax base to do it. Again, it's paying all of the growth costs but not the money that they're getting from somewhere else, that the community is never paying themselves for their own already, so why should the new people pay double on that?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, basically put, the development charges regime already appropriately accounts for grants in the calculation of development charges. That piece is already there. I recommend opposing the motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Ms. Martow.

Mrs. Gila Martow: I think that most consumers don't mind paying for something that they feel they're getting

and they're getting value. I hear from homeowners and developers that people feel they're being charged development fees for things like parks and they don't see a park. So they're like, “What am I paying for? There was no park put in.” It just went into the general coffers of the city and the money was used for supporting the community.

People are very frustrated. I think that if we're going to do long, complicated bills to address development charges, then we have to look at what people are actually paying for and giving them some transparency and accountability, which we always hear about from the government, to tell them, “This is what you're being charged for and this is what you're getting for it.”

People are paying for condos—we're seeing incredible condo development all around the GTA—and they're being charged development fees for things like community centres. We all know that these community centres aren't even getting built because the municipalities recognize that condos have their own fitness centres. So people feel that they're being ripped off, that somehow they're being charged for something that they shouldn't be charged for. The concern is that if they're charged, say, \$40,000 in development fees on a \$400,000 condo, they're worried that the resale value with that development charge isn't there. If they buy that condo and a year later they get transferred to Ottawa and they need to sell the condo, yes, the value was there in their purchase price of \$400,000, but that \$40,000 of development fees they did not recoup. They felt that they paid for something that they didn't get value for.

I think that we're all talking around in circles a little bit, and I recognize that. But I think that we have to understand the frustration from the developers because they're being forced to charge the consumers for something. It's not coming out of their pocket. They're being forced to add—it's another layer of taxation. People want to see that they're getting value for what they're paying for the development fees.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, debate? Seeing none, we'll move to a vote—a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not pass.

Moving to motion number 6: Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. I'd like to withdraw number 6.

1450

The Vice-Chair (Mr. Jagmeet Singh): Motion number 6 withdrawn. That completes subsection 3, so we're now in a position to vote on subsection 3.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry; section 3. Thank you.

Any debate before we go to the vote? Recorded vote on section 3. All those in favour of section 3?

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 3 passes.

Moving to section 4: There are no amendments—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes. There's a notice on section 4. First of all, is there any debate or any discussion with respect to section 4? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I'm not sure if the parliamentary assistant can answer, but this section is used to change transit from one column to the other, taking the 10% away so it can be charged in full.

The rest of the 10% ones, according to the bill, are going to be through regulation by the minister. In doing that, if it's by regulation from the minister to exempt them from the 10%, is there any particular reason why, in section 4, you're doing it via legislation on this one, as opposed to—are you looking at doing the other ones through regulation or is it just for convenience? I just can't figure out why that one particularly would be moved from one to the other in the legislation, and the only one. Our previous motion was to move two more this way to make them stay there, out of the regulation, and that wasn't accepted.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions, comments? Mr. Rinaldi?

Mr. Lou Rinaldi: Our legal folks tell us that this is the direction to go, and it's not recommended to do it any other way.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman?

Mr. Ernie Hardeman: I would just say that I support that section of it. I'm just questioning whether you had in mind to do more of that through regulation, the way you have the bill structured.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate on section 4?

Seeing none, we will now move to a vote on section 4. It's a recorded vote. All those in favour of section 4?

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay, section 4 carries.

Moving to section 5: There is an NDP motion—sorry, my apologies. There is a government motion, number 7. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 5 of the bill be amended by adding the following subsection:

“(3) Section 10 of the act is amended by adding the following subsection:

““Background study to be made available

“(4) The council shall ensure that a development charge background study is made available to the public at least 60 days prior to the passing of the development charge bylaw and until the bylaw expires or is repealed by posting the study on the website of the municipality or, if there is no such website, in the municipal office.””

The Vice-Chair (Mr. Jagmeet Singh): Any debate or any discussion on this motion? Yes, Mr. Rinaldi.

Mr. Lou Rinaldi: As a way to explain—certainly I recommend supporting this. The motion is aimed at making the development charges system more transparent by announcing public disclosure requirements for the background study. This change is in response to concerns raised by developers during working group consultations about the need for the public to review background studies for a longer period of time. Municipal stakeholders indicated that making studies available for a longer time period is not something that they would oppose.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hardeman.

Mr. Ernie Hardeman: I wanted to make sure—we heard some comments from Bracebridge and Durham about making sure that the asset management plan is consistent with the other requirements to avoid municipalities being required to create a whole new asset management plan. Can you advise us that that is being done, that somehow this asset management plan will comply with all the other plans that they've done? They have an asset management plan for their road system. They have a management plan, maybe, for their waste management system. It would all fit this format, this management plan that they have to prepare for the—

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hardeman.

Mr. Ernie Hardeman: —development charge by-laws?

The Vice-Chair (Mr. Jagmeet Singh): My apologies, Mr. Hardeman. Thank you very much. Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, my understanding is that the municipality, in the majority of the cases, in order to comply with many things, has to have proper asset management plans, so I suspect that would be the case here, as well.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Just on that, the municipal finance officers said, “Municipalities should be permitted to augment existing asset management plans using

existing approaches and methodologies. Development of these plans requires considerable staff time and financial resources, and requiring asset management plans to be redone to a new methodology would place a burden on a number of municipalities.”

I guess that my concern is: Has the ministry looked at that to make sure that that is being complied with?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi.

Mr. Lou Rinaldi: Through you, Chair: Yes, we did hear that and, obviously, it's something that we're looking at. The ministry is reviewing, as we go through the process.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns? Seeing none, at this point, we'll move to a vote. All those in favour of motion 7—recorded vote, sorry.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Seeing none opposed, the motion carries.

The next motion, motion 8, is an NDP motion. Mr. Hatfield—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): My apologies, Mr. Hatfield. We've completed section 5 now—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I see. Sorry; we're now dealing with section 5, as amended. Shall section 5, as amended, carry? All those in favour? Recorded vote.

Ayes

Anderson, Dhillon, Mangat, Milczyn, Rinaldi.

Interjections.

Mr. Percy Hatfield: Did we deal with motion 8?

The Vice-Chair (Mr. Jagmeet Singh): Motion 8 is 5.1, so it's a separate section. It doesn't fall under section 5. All those in favour—now all those opposed to section 5, as amended? There's no one?

Mr. Lou Rinaldi: Chair, we're voting for section 5, right?

The Vice-Chair (Mr. Jagmeet Singh): Yes, as amended.

Mr. Lou Rinaldi: We just voted on that, no?

The Vice-Chair (Mr. Jagmeet Singh): Yes, we did. We just completed it. We voted first on the amendment and then section 5, as amended. That vote is completed. I just have to say: All those opposed? And there's no one opposed.

Now, there's a new section—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, section 5 carries.

Now we're on section 5.1. There was bit of confusion because it sounds like it's a part of the same, but because it's 5.1, it's technically a new section.

Now we're going to motion number 8, section 5.1.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“5.1 Clause 16(4)(a) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Mr. Hatfield. Just a moment's indulgence, please.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): So because section 16 was technically not opened by this bill, I have to regretfully rule that this motion is out of order.

1500

Mr. Percy Hatfield: I respect your ruling, Chair, but I must say to the government members that it has been a long-standing request by municipalities that it's unfair that developers can't lose if they appeal a development charges bylaw. What I was hoping to do was remove the limit on the OMB that prevents the board from increasing a development charge on appeal.

The Vice-Chair (Mr. Jagmeet Singh): We now move to—

Mr. Lou Rinaldi: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Mr. Rinaldi?

Mr. Lou Rinaldi: I know that the motion is deemed out of order, but the ministry has committed to reviewing the OMB Act sometime next year, so that's something that we could certainly chat about then.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Martow?

Mrs. Gila Martow: Yes. I'm just sort of concerned because yes, I can understand what the member from the third party said, but it's not just developers who bring appeals to the OMB; there are also organizations that bring appeals to the OMB. I would be concerned that this could almost be used in a threatening manner, that if you bring a complaint to the OMB about the height of a building, well, you may increase the development charges along the way. I heard that in council meetings before I was elected, where city councillors warned community groups, “If you complain about the rezoning of eight storeys to 12 storeys, the OMB may very well decide it should be 20 storeys.” So that's a bit of a scary presumption for people.

People should feel comfortable, whether they're developers or organizations or just concerned citizens, taking something to the OMB. I don't think it's really the OMB's place to start raising development charges.

The Vice-Chair (Mr. Jagmeet Singh): Okay. I'll now move to motion 9, and it deals with section 6. It's a PC motion. Who will be moving this motion?

Mrs. Gila Martow: Okay, me. Sorry.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow.

Mrs. Gila Martow: I thought the next one was the NDP. Did I pass it?

Interjection.

Mrs. Gila Martow: Okay, you're right.

I move that section 6 of the bill be amended by adding the following subsection to section 26 of the Development Charges Act:

“Multiple phases

“(1.2) If a development consists of two or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the development is deemed to be a separate development for the purposes of this section.”

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, concerns, debate? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would make it clear that when a development is going to be completed in multiple phases, the builder will not be forced to pay the development charges for the entire project when the first building permit is issued. This would make it clear that if a condo developer is building two adjoining towers 10 years apart, the development charges for the two projects would be separate, or if a company is building a plant with a plan to expand that plant five or 10 years down the road, they wouldn't pay the entire development charges right away.

We heard the concern from municipalities and AMO that this could be used to lock in development charges at a lower level years before the development actually takes place. At the same time, we heard concerns from builders about how this section would be implemented.

While we understand the goal of the section, it seems that the government hasn't gotten it quite right for either side. I suppose one could try and make an argument that if nobody's happy, it must be a compromise, but I think in these here that they are actually both unhappy for the same reason: that the development could be over quite a number of years.

I think the intent of this section would be to say that the building permit is issued for the building completely; you can't get it one phase at a time for the development charges. The two towers built five years apart—I think we should make it clear that the development charges are paid when the next building permit is required.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, this is a rare occasion. We're going to recommend supporting this motion for the sake of clarity. It's something that already happens, but for the sake of clarity we're prepared to support the motion.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Mr. Hatfield?

Mr. Percy Hatfield: After hearing Mr. Rinaldi, I'm speechless. I will support the motion as well.

The Vice-Chair (Mr. Jagmeet Singh): Interesting things happening in this committee. Wonderful, Mr. Hatfield.

Mr. Ernie Hardeman: I don't want to put this on the record, but maybe I should withdraw. No, I don't. I appreciate—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman made some comments that are not to be made on the record.

Mr. Ernie Hardeman: I do believe we heard from quite a number of presenters about the concern about the time lag, so we thank everyone for that.

The Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, we'll move now to the vote.

Shall motion number 9 carry? Recorded vote.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, the motion carries.

Any debate on section 6 before we move to a vote on it? Seeing none, now we move to a vote on section 6. Shall section 6, as amended, carry?

Ayes

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

Nays

Hatfield.

The Vice-Chair (Mr. Jagmeet Singh): Section 6 carries, as amended.

Now we move to motion number 10. It's an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“6.1 Subsection 38(3) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Would you like to make any comments about your motion before I make my ruling?

Mr. Percy Hatfield: I just think it's a little bit better than the previous one. Requiring the development charges to be paid when the first building permit is issued—the Municipal Finance Officers' Association of Ontario and the Ontario Home Builders' Association have said it's impractical. So I just think it's an improvement.

The Vice-Chair (Mr. Jagmeet Singh): In this case, again, with motion 10, subsection 38(3) is not opened up by this bill, so for that reason I have to rule this motion out of order.

1510

We will now move to the next section, section 7. There are no amendments to section 7. Is there any debate on section 7? Seeing no debate, I now ask the question: Shall section 7 carry? Recorded vote.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Section 7 carries.

We have motion number 11. It's an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I believe I will be withdrawing motions 11 and 12. I should have withdrawn number 10 as well, I guess. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): So right now, Mr. Hatfield, you're withdrawing motion 11?

Mr. Percy Hatfield: Yes.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): And 12. Motions 11 and 12 are withdrawn.

Moving right along, now we're moving to section 8. We have a PC motion for section 8, motion number 13. Who will be moving this motion? Ms. Martow.

Mrs. Gila Martow: I move that section 59.1 of the Development Charges Act, as set out in section 8 of the bill, be amended by adding the following subsection:

"Exception

"(2.1) In the case of a municipality in which a development charge bylaw is not in force, subsection (1) does not apply with respect to charges that a municipality and a developer mutually agree to in respect of prescribed services."

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Martow. Any debate or questions on this motion? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair. This amendment would allow municipalities who do not have a development charge bylaw to enter into co-operative agreements with builders to cover prescribed costs related to the development.

In committee, we heard that only about half of Ontario municipalities are collecting development charges. As the Building Industry and Land Development Association said during their presentation, there are times when the developer wants to enter into a co-operative agreement to advance required infrastructure. This would allow municipalities without development charge bylaws to work with developers to come to agreements for infrastructure cost-related development.

According to the Municipal Finance Officers' Association, in 2013 only 204 municipalities collected development charges. Mr. Chairman, that's just slightly under half the municipalities.

The Building Industry and Land Development Association said during their presentation, "However, what Bill 73 fails to acknowledge is that there are instances involving co-operative agreements where a developer agrees to make payment, to advance required infrastructure that is found in the approved municipal development background studies of the municipality and is in the best interests of the municipality and community."

As Watson and Associates said during their presentation, and, Mr. Chairman, they do the majority of the development charge bylaws in the province, "If a small municipality that doesn't have a" development charge "bylaw has maybe a shopping mall, maybe has an

industry, maybe has a big box store that's being built, there are a lot of localized services they would ask for. 'Put in a taper lane. Put in signalization. Put in sidewalks.' The way it's written right now, I would deem that they're not able to recover those costs. So they're either forced into a development charge process or they're not allowed to recover these costs."

I think that's why we have this in there, so, in fact, without a development charge, one-off, they can actually make a mutual agreement. How can one say that a mutual agreement would not be in the best interest of the planning process in that area? I would hope that this is another one of those that the government side sees the benefit of supporting—a good motion. With that, we'll hear from them.

The Vice-Chair (Mr. Jagmeet Singh): We see Ms. Martow.

Mrs. Gila Martow: I think that it's hard for us sometimes in the GTA to remember what it's like in other small communities. They need the flexibility, I think, these small municipalities—it's what we're hearing—to get the needed infrastructure in place that the developers are willing to do and could often do a lot more cost-effectively, in lieu of set development charges that we would maybe think would be standard in the GTA; they don't have the same standard agreements.

I'm reminded of purchasing a new home, where I agreed right away to the asking price but put in the offer, "I'll give you your asking price, no bargaining, but you finish the basement for me." I knew that the builder could finish off a basement reasonably cheaply—far cheaper than I could certainly negotiate. And he was quite happy to take that agreement, even though, an hour before, somebody had offered him a price that wasn't that much lower without asking for any upgrades. They were quite furious because they would have agreed to the same deal.

I think that we need to allow the municipalities to have that same flexibility. I understood what my needs were, the builder understood what his needs were and we were able to come to a very happy, mutually beneficial agreement. I think that we have to allow municipalities and developers in those municipalities to do the same.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Mr. Milczyn.

Mr. Peter Z. Milczyn: Thank you. Just very briefly, the purpose of what's being proposed to be deleted here would allow a municipality to try to do something which they're not really doing properly. If they really want to have a broad-based way of charging for growth-related issues, they should have a development charges bylaw. If they do not, they should not try to implement one along the side.

Certainly when a development in a small town occurs, where there is no development charges, if they need a left-turn lane, if they need a new access road, there are any number of ways a municipality can legally secure that: through site plan agreements, through development agreements or through plans of subdivision. Those legal remedies exist. This is essentially to stop municipalities

from trying to do what they should be doing properly by doing it without a proper development charges bylaw or background study.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I support the amendment. I think we heard loud and clear from the financial officers' association and others that, in smaller municipalities, you have to be flexible. I think "flexibility" was the word we heard most frequently: that opportunity only knocks a few times, and you've got to be able to say, "Yeah, we can make that happen."

The length of time it would take to come up with a development charges bylaw versus the time it would take using common sense and flexibility in a small municipality to encourage a new development when somebody knocks on your door—I think that timing is of the essence because if they can't get it from you, they may go to the other side of the road, which could well be a boundary, and go to another municipality. You're going to lose out on the assessment that would normally accrue if you could prove that you were flexible enough to make things happen on a voluntary basis. The developer would recognize that and be willing to do what, in fairness, would benefit both sides, so I see this as one of those common-sense types of things where you give the local municipality—those who know best about their own municipality—the flexibility and the creativity, if you will, to encourage development if somebody knocks on the door and says, "I'd like to do this. Can we make it happen?" without going through the time and the expense of a development charges bylaw. I know that in larger or medium-sized municipalities, it's not such a huge cost, but in a small municipality it is. So I certainly support the motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Chair. With the greatest respect to my colleague across the floor here, obviously there's a misunderstanding of small communities in rural Ontario. Over half of the municipalities in this province don't have a development charge bylaw. That doesn't mean they don't want development; it just means that they haven't had any approaches of people who do that.

They use alternatives such as local improvement charges to charge it along the road, and so forth. But if somebody comes in that's slightly out of the norm, this—because they're not allowed to enter into mutually agreed-upon agreements, they cannot accept the developer to extend the sewer to the edge of town unless they have a development charge bylaw, because they can't charge for that service because it's not on their property and they can't charge a special agreement, unless the developer comes up and pays cash and gives it to the municipality and builds it right now. They couldn't build it on a shared basis.

1520

One of the things that we used to use a lot of, if you had a place where you wanted to develop a small

development at the end of the road but the services weren't there: The developer would come in and you would sign an agreement. They would agree to put the services from downtown to that subdivision and then get the money back, front-end-loaded. They would pay for it all and they would get that money back when the rest of the development took place. This prevents them from doing that. This resolution is to make that possible so they don't have to necessarily do a development charge bylaw.

The real purpose of development charge bylaws is to make sure that both parties believe that they're getting a fair deal: that growth is paying for growth. If you do it one-off and you have them do it through an agreement, they both sign the agreement and we have accomplished exactly the same thing. Both parties agree that this is the development they want to happen and this is the development that they are willing to support and that the developer is going to pay the cost. Everybody is happy.

It seems to me to say, "Yes, but we have a law that says you can't do that. You must find a way to create a development bylaw, do all of the studies and do all of the time before we can make a deal on you extending our services to the development that you want."

This, in my mind, is trying to do it the wrong way, because if it was the wrong way, the municipality doesn't have to agree and then it wouldn't be a mutually agreed-upon agreement. If it's mutually agreed upon, it's what everyone wants and they want to get it done.

Unless the province has an interest in creating more bureaucracy to say, "No, no, you can't build that super-market because you need an agreement, and you don't have a development charge"—you can't do that unless you want to spend the next two years getting a development charge bylaw in place, and then that developer will be long gone. This is just to deal with these 400-and-some municipalities that have no development charge bylaw.

It has been in place a long time, but they've never had the need for it. That need hasn't changed with this piece of legislation. In fact, the development charge bylaws have been in place longer than I've been here, and that's a long time. This is just to cover off those that don't have one and don't see the cost of doing it as a good investment for the future.

I would hope you would consider putting your support behind this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Mrs. Gila Martow: I'll be very quick.

The Vice-Chair (Mr. Jagmeet Singh): Yes, Ms. Martow.

Mrs. Gila Martow: I just feel that this is Big Brother. It's wanting to be involved somehow—there are no taxes on development fees, so it's not like there's a barter system going on where people are saying, "I'll paint your house in exchange for you doing my landscaping," and neither of us are paying taxes. It's not that kind of situation at all. The government doesn't lose out in any

way, shape or form, except for maybe a certain amount of control or oversight, and I can't imagine why municipalities wouldn't be trusted to look after their best interests.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Chair, just for the record, I wonder if the distinguished member from Oxford would inform the committee just how long he has been here. He said he had been here a long time.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman?

Mr. Ernie Hardeman: Just for the record, I just want to read the last statement again from Mr. Watson, who does a lot of development charge bylaws. He's talking about the 400-and-some municipalities who don't have a development charge bylaw: "The way it's written right now, I would deem that they're not able to recover those costs. So they're either forced into a development charge process or they're not allowed to recover these costs."

You mentioned about all of these other ways that they recover the cost. That's not available to these developments, according to Mr. Watson, who does the development charge bylaws. I think that having an exception for those people—if they're going to do a lot of this, it would be much more advantageous for them to develop a development charge bylaw, but if it's just a one-off, I just believe that it should be allowed so they could recover those costs.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hardeman.

Any additional comments or debate? Seeing none, we will move to a vote on motion 13. Shall motion 13 carry?

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Dhillon, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Motion 13 does not carry.

We have another motion on section 8: motion 14, a PC motion. On this motion, just to clarify, there was a typo in the initial motion, so there's an amended motion. It's 14.1. Does everyone have that amended motion? We're content to proceed with the amended motion 14.1. So please move that, whoever would like to move that.

Ms. Martow.

Mrs. Gila Martow: I move that section 59.1 of the Development Charges Act, as set out in section 8 of the bill, be amended by adding the following subsections:

"Exception, old agreements

"(3.1) Subsection (1) does not affect any agreement made before the day section 8 of the Smart Growth for Our Communities Act, 2015 comes into force.

"Same

"(3.2) Subsection (3.3) applies in respect of an agreement if the following circumstances exist:

"1. The agreement includes a charge in respect of a service that was an ineligible service before the day subsection 2(2) of the Smart Growth for Our Communities Act, 2015 comes into force but is an eligible service on or after that day.

"2. The municipality in which the agreement relates passes a development charge bylaw after the day subsection 2(2) of the Smart Growth for Our Communities Act, 2015 comes into force that provides for a development charge for a service that was an ineligible service before that day, but is an eligible service on or after that day.

"Same

"(3.3) Despite subsection (3.1), the charge in respect of a service referred to in paragraph 1 of subsection (3.2) does not apply and instead the development charge set out in the development charge bylaw referred to in paragraph 2 of subsection (3.2) applies."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Mr. Hardeman.

Mr. Ernie Hardeman: Yes. Thank you very much, Mr. Chairman. This motion would grandfather the co-operative agreements that have been voluntarily entered into by builders and municipalities. It would ensure that grandfathering does not result in double-charging for services by excluding an agreement that was made regarding a previous ineligible service if the municipality then passes a development charge bylaw regarding that service.

We heard from municipalities such as Barrie that they have voluntarily entered into agreements with builders and planned their budgets based on this funding. Currently, the bill only exempts charges already paid, not the agreements that have been negotiated and budgeted for.

Mayor Lehman of Barrie said, "The practical impact for our municipality would be an inability to implement a capital plan that is entirely in conformity with the growth policies of the province, and an inability to move forward with careful, well-thought-out planning that's been agreed with by the development community.

"We have a plan that was collaborative and agreed upon. We're ready to go. But those agreements that have already been negotiated need to be protected."

On the issue of the development charge bylaw exemption, Mayor Lehman said, "Sure, and we would certainly agree to maintain our side of the agreement. There would be no notion of renegotiating charges already established within the agreement."

Those were his comments and his quotes, and the reason we put this forward is twofold: one is to make sure that those agreements are in fact valid and will stay valid if they're presently in the position. Secondly, if the agreement stays and they have an agreement for development in the suburbs, and then they redo their development charge bylaw and the houses that the agreement covered have not yet been built, or whatever was going to be built there had not yet been built, and all of sudden

they have the agreement that they're getting paid and then they also apply the new development charges to the building that has not yet occurred, those people would then be asked to pay double.

The mayor made it quite clear when he presented here that that was not their intention, nor would they do that. But I think some people would have some concerns that somebody might happen to do that. This amendment is to clear that up so that if that agreement is in place, it stays in place, but you can't double-bill. You can't put development charges and the agreement both on the same building.

1530

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hatfield.

Mr. Percy Hatfield: Yes, I remember when Mayor Lehman was here. I think he made it quite clear that he was also speaking for LUMCO, as chair of LUMCO, when he was here.

I remember asking him, when he was dealing with the developers of the project in question, if they were in agreement. He said that, yes, there were negotiations. They had negotiations; it was a give and take; there were compromise positions taken. But at the end of the day, they came to terms with the people who were interested in creating a new growth area in the municipality of Barrie and that they were ready to go. He was afraid that what the government was proposing would scuttle that agreement because of the voluntary contributions that were enabled, if you will, in their agreement. I don't think our role should be to scuttle any kind of a deal that has already been negotiated between willing partners, so I'm fully in support of the grandfathering of this clause.

We also heard from a senior administrative officer in the community of Ajax who said that they were ready to roll. They didn't have a deal signed, but they had agreement with the developers and they were ready to roll on it. He was afraid that that was going to stifle the growth in the community of Ajax as well.

I do think, and I've said it before, that the municipal leaders know what is best for their community. They know what they can charge. They know how much a development costs. They know if the municipality can afford it, be it through development fees or tax levies, tax increases. If they've figured it out, that they can't just do it on the backs of the taxpayer, that they need something extra, and the developer, who really wants to move into their area, says, "You know what? We will voluntarily pay you a little bit more for this or for that because we really want to move into your area," we should say, "Yes, go ahead and do it."

There should be that flexibility on a grandfathered basis. I'm not talking about on a go-forward basis. I'm talking about the communities that have stepped up, are ready to roll, have their agreements in place, either signed, sealed and delivered or almost there—and this, actually, would give them the encouragement to finish it off. But we shouldn't be trying to scuttle what they've been working on for years. Working out a major develop-

ment is not something that you do overnight. If you have a development ready to go and the development community is there to say, "We really like what's on the table. We're willing to go. We'll pay a little bit extra," I think we should allow that to happen. So I fully support this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Mr. Rinaldi.

Mr. Lou Rinaldi: I certainly recommend opposing the motion for a couple of reasons, for this particular view: The government is committed to fostering an accountable and transparent development charges system so that it's equal across the province. The proposed provisions intended to deal with voluntary payments include a transition provision to ensure that charges that are imposed before the proposed reform comes into force will not be subject to new requirements. For those reasons, I recommend opposing it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman and then Mr. Hatfield afterwards.

Mr. Ernie Hardeman: I can't understand the government's position that in fact there's no concern that the agreements that they presently have would become null and void when they put development charges in place on those lands. Obviously, in the planning process, these agreements were put in place with a large contribution and a large offer of support to allow this to happen, because they couldn't happen without that voluntary contribution. When they wrote that agreement, they didn't know that this bill was coming forward, so they didn't know that, by the time they got to actually building what it is they have under the agreement, they may also have to pay development charges on that amount.

I can see that both the city of Barrie and the developers in that area are going to have real concerns as to where they go from here. Do they throw the agreement out and work out a plan as to how you would pay for the development in those suburbs under the new development charges bylaw, or should they just give up altogether? According to the bill now, the agreement would not stand up because you can't have a voluntary agreement and development charges on the same piece of property—or you can't have an agreed-upon agreement at all anymore in this bill. I don't know how they're going to square the circle as to decide where the city of Barrie—and you could tell in the presentation that the mayor made that he had real concerns with this.

I would have thought that this amendment would have actually come from the government side, because it seems to me like almost a given that you had to do it. I don't know how you can turn your back on the city of Barrie and people like them who have made agreements to develop beyond their present borders, and how they're going to do that in the future if they can't hold the developers accountable for the agreements that they've signed.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hatfield.

Mr. Percy Hatfield: I remember at the time, after Mayor Lehman spoke, Mayor Burton from Oakville came. I recall that I told him I used to be a journalist and I was looking for a clip: Was he fully in accordance with what Mayor Lehman was saying or was he at some disparity? He said, “No, no. I fully support what LUMCO is doing, what Mayor Lehman is doing.”

I know the staff has been busy on the government side putting this together, but when you have political representation on the government side from the city of Barrie, from the city of Oakville, from the city of Ajax, and you’re voting against their municipal representatives who have come to you and said, “We need this. We really, really need this for our community to grow and prosper,” and you have representatives in your party from those communities, and you’re saying—unless you want to defer a vote on this one and check with your local members and see if they can convince you otherwise. But I would think it would be tough on those members to go back to their communities after their municipal leadership has come here and begged you to give them a grandfather clause on this, and you say, “Too bad, so sad.”

I guess I see it as municipal leaders knowing what it takes to grow their community, and we shouldn’t be putting roadblocks in their way.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Yes, Mr. Hardeman?

Mr. Ernie Hardeman: Chair, I request a 20-minute recess before the vote.

The Vice-Chair (Mr. Jagmeet Singh): Sure, you’re able to do so. A 20-minute recess has been requested.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes. A 20-minute recess has been requested and will be granted.

Mrs. Gila Martow: I suggested 15, but I was told it has to be 20.

The Vice-Chair (Mr. Jagmeet Singh): Twenty is fine.

A 20-minute recess—and we’ll return at? What time is it?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): We’ll be back at 3:58.

The committee recessed from 1538 to 1558.

The Vice-Chair (Mr. Jagmeet Singh): It is time to resume the committee. At this point in time we are moving immediately to the vote.

Mr. Hardeman had asked for a 20-minute recess before the vote and now we are in a position to vote on motion 14.1. Shall the motion carry? Recorded vote.

Ayes

Hardeman.

Nays

Anderson, Dhillon, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

So we are now in a position to vote on section 8. Any comment on section 8 in general?

Mr. Percy Hatfield: Oh, I may have some. I don’t know.

The Vice-Chair (Mr. Jagmeet Singh): Any comment on section 8 in general? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair. We understand that the goal of this section was to ensure that builders are not held hostage and forced to pay additional charges, but there are a number of unintended consequences. This section creates challenges for over 200 municipalities that we heard do not collect development charges. Builders who spoke to the committee raised concerns about the section as written.

1600

BILD, a Toronto organization, said, “What Bill 73 fails to acknowledge is that there are instances involving co-operative agreements where a developer agrees to make payment, to advance required infrastructure that is found in the approved municipal development background studies of the municipality and is in the best interests of the municipality and community.”

The challenges that are in this section are what we were trying to connect with the amendment.

Of course, with the failing of the amendment, I can’t say I could possibly support this section the way it’s written, because in fact, nobody came in to tell us that this was well done the way it was written. I know the government is suggesting, “Well, there are other ways of accomplishing what you’re trying to accomplish. It’s no problem at all.” But that’s not what all the people who came in to talk to us told us. They said that if we implement it this way, it will cause problems for a lot of people, particularly the 200 municipalities with no development charge bylaw now.

Even the people, like we mentioned, in Barrie who are trying to expand both with development charge bylaws, but then with the agreements beside that and how you meld those two together—I just don’t believe that this section is in the best interests. I don’t think this section accomplishes what the government wants to accomplish. I hate to say it. This is one of these that I’m really surprised at—that the government wants to implement this section the way it is, because everybody who came forward told us, “Don’t do that.” Why are they doing it? I just don’t understand it.

With that, I’m going to have to vote against it.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Like the member from Oxford, I’ll be forced to vote against section 8 as well. I was hoping, during the break, that government members would have consulted with their members from Barrie, Ajax and Oakville and seen the error of their ways, because there will be a political price to pay at the municipal level for not supporting—and I only mention those three, but if you think of all the mayors of the Large Urban Mayors’ Caucus of Ontario, at AMO, who

came to us and said they really needed this—this was the way that they had signed on to be able to grow their communities, and they know best how to do that. The government is saying, “No, we know better,” and I’m just sadly disappointed that that’s the result.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments or concerns? Seeing none, we are now in a position to vote on section 8.

Shall section 8 carry? It’s a recorded vote.

Ayes

Anderson, Baker, Dhillon, Mangat, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Vice-Chair (Mr. Jagmeet Singh): Section 8 carries.

We’ll now move to section 9. The first motion we have is motion 15. It is a PC motion. Who will be moving this motion? Ms. Martow.

Mrs. Gila Martow: I move that clause 60(1)(c) of the Development Charges Act, as set out in subsection 9(1) of the bill, be struck out and the following substituted:

“(c) clarifying or defining terms used in paragraphs 1 to 4 of subsection 2(4);

“(c.1) prescribing, for the purposes of paragraph 4 of subsection 2(4), services for which development charges may not be imposed;”

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Just a moment’s indulgence, please.

Mrs. Gila Martow: My notes say that we should withdraw this section—sorry, I just saw that now—because the other section didn’t pass.

The Vice-Chair (Mr. Jagmeet Singh): The Chair doesn’t like to make rulings that would rule a motion is out of order, so I’m glad that you withdrew it.

Mrs. Gila Martow: Yes. We’re withdrawing.

Mr. Ernie Hardeman: Mr. Chair, we were so sure the government would support that previous motion that we forgot that we had to withdraw that one.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Motion 15 is withdrawn.

We move to—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes, sir?

Mr. Percy Hatfield: Because I’m so impressed that they withdrew 15, I would like to withdraw 16, 17, 18, 19, 20, 21 and 22.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Let’s go through that just one more time and make sure we have that proper. So you’re withdrawing motions 16 through to 21, inclusive—is that correct?

Mr. Percy Hatfield: Twenty-two, sir.

The Vice-Chair (Mr. Jagmeet Singh): Through to 22, inclusive.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes; good point. Let’s just deal with 16 through 19, just because they all deal with section 9, and then we can move into the additional amendments.

So once again, motions 16 through 19 are withdrawn. That means that we are now in a position to deal with section 9 as a whole. Is there any debate on section 9 as a whole as it reads right now? Seeing no debate, we are now in a position to vote on section 9. It’s a recorded vote. Shall section 9 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Section 9 carries—sorry, all those opposed? Section 9 carries.

Mrs. Gila Martow: I find that peculiar, if everybody has voted already. I know it’s protocol, but I just wanted to be on the record as saying it’s peculiar.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow, I support your notion that it is peculiar. That’s probably why I forget to do it every time.

We’re now moving to section 10. Now we can deal with the additional motions. Mr. Hatfield, can you please reiterate which motions are—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, yes. Dealing with section 10, there is an NDP motion, motion 20. What is your opinion on that motion?

Mr. Percy Hatfield: Although I love the motions, I will withdraw motions 20, 21 and 22.

The Vice-Chair (Mr. Jagmeet Singh): Okay, we’ll just deal with them—actually, we could do it that way. Starting with motion 20 being withdrawn, there are no motions to amend section 10. Any debate on section 10? Yes, we have Ms. Martow.

Mrs. Gila Martow: There’s a lot of concern in York region about development charges, and I don’t think that comes as any big surprise to anybody here. Part of the problem is that we have an extra layer of bureaucracy and taxation that we don’t have any longer in Toronto. We have what’s called York region, and York region has an administrative building and maintains the regional roads and many of the large infrastructure issues. Then there are the six municipalities. The municipalities are struggling just to take care of some of their demands: community centres and parks and things like that. But as well as that, there are some serious flooding issues. The water table is rising and many houses are being flooded. Markham has a \$1-million project under way to deal with storm water drainage. Now we find out with the new administration—we had a chair, Bill Fisch, for about 18 years, I believe, and now we have a new chair, Wayne Emmerson, who has taken over. All of a sudden we’re told that York region is in debt to the tune of billions of dollars, and many projects have been put on hold.

Developers are upset because they have their permits and they're all set to go and their projects are being put on hold.

So we've got debt at the municipal level, we've got debt at the regional level, we've got debt at the provincial level, and everybody's looking for developers to somehow come riding on a white horse and pay all of these development fees. What they're forgetting is that it's the consumer who pays the development fees. Who are the consumers? They're the same people that everybody cries about that they need affordable housing. So we've got single mothers buying condos for themselves and their children and they still have student debt to pay off and then we're asking them to pay higher and higher development charges, and they can't. They can't do it.

I think that there's a lot more that we could be addressing here, in terms of this bill. We seem to be forgetting about the big picture, which is that there's only one taxpayer, and it's that taxpayer who has to shoulder all those development fees. So I'm very concerned in terms of section 10.

1610

Some developers are saying that they would like, sometimes, the province to step in and set development fees because they feel that there's just too much demand on them by the municipalities. Maybe the municipalities are pitting the developers against each other and saying, "This developer is going to get permits because he's agreeing to our development charges and you're not."

I have to say, kudos to the developers for going to bat for the consumers. The developers often get a bad rap and are just seen as worrying about their profits, but I think that they do want to be able to service the community and to supply some level of affordable housing.

By allowing increasing development fees, we're making housing less affordable, not more affordable.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments with respect to this section? Mr. Hardeman.

Mr. Ernie Hardeman: This is the last section, as we're going through it, that deals with development charges, and I think it's important to put on the record that it seems—though some of the things have been made clearer and are supported—it does a better job of making sure that growth pays for growth. But in the big picture, all the changes that we've talked about so far today in the Development Charges Act are going to increase the cost of housing in the province of Ontario.

We already have a problem with affordability. We have fewer and fewer people who are being able to look at the hope of owning their own home, because the cost of housing in Ontario is going up. Everything we've done today—and nothing that comes there to say, "Well, we're going to make this more affordable for the consumer." It's all about: "How can we take more tax money out of the pockets of consumers so we can pay for the services?"

I was a municipal politician for 15 years. I recognize the challenges that municipalities are facing in trying to get enough money, particularly with the downloading of

government on them—I don't mean services. But each year, they're sending less money in support to municipalities. They come up with programs for infrastructure, but the municipalities have to come up with a third. They're all having to borrow that third to pay the bill, and the next year, when they do the taxes, they have to pay that off. There just is no more room in their tax budget to look at paying for their services. So I understand their need for more money. But I think just putting it on top of new homes being built in your municipality or anywhere in the province is not the answer to our affordable housing problem.

I think we've got to work at ways to reduce the cost for consumers, not increase it. There are enough things that they can't do anything about, such as the hydro costs that have gone up and all the other things that the government has done to them, shall we say. But now to say, "Well, municipalities, if you're having trouble making ends meet, here are some opportunities to charge more money to the people in the taxes"—as I said earlier in this debate, they do have the ability to increase their taxes, but they've reached a plateau of what the public is willing to accept or is able to accept. The government says, "Don't worry about that. We'll hide it for you. Just tack it on the price of a new home and then you'll have the money. Haven't we done a wonderful job to help you out?"

Folks, it's all the same people's money. People won't be able to afford or can't afford to buy homes in the province of Ontario anymore, and this bill, though it's designed to make it a better place, actually makes it worse. Everything it does, as it relates to finances—it charges more money. We can make a story to suggest that it's coming out of the pockets of the builders and the developers. No, it's coming out of the pockets of the homeowners who are trying to buy their first home, or somebody who is moving up and providing their home to someone who's buying their first home.

This is going to hurt the housing market, and there's obviously nothing we can do about it now. But I do want to say that, as we're at the end of that part of this bill, I think it's too bad that we couldn't have done something to improve the system, as opposed to just trying to make it a piggy bank so we could go and get more money out of the industry, who, in turn, will pass it on to that first-time homebuyer who wants to buy a home.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow?

Mrs. Gila Martow: Also, we haven't focused enough on ensuring that appropriate development is placed on appropriate lands.

I think this bill would be enhanced by clarifying the intent that it's in the best interests of everybody here in Ontario that development charges not be an impediment to smart growth. I think that's the concern here: If development fees are too high, people won't be able to afford to be part of the community.

We heard from stakeholders from the development industry when they gave their deputations, and they were pleading with us to foster smart, transit-oriented growth.

I think the developers really want to be part of the solution. They get a bit of a bad rap sometimes. I think some of the stakeholders would like to see us ensure that the government is able to send a strong message to municipalities, to the development industry, and even to homeowners, that we're committed to the growth plan and to smart, transit-oriented communities.

We want to see, specifically, in area-specific development charges, that the Lieutenant Governor in Council should be able to take into account the need for smart growth and transit-oriented, complete and compact communities by incentivizing targeted urban intensification when it serves the public interest. I think that's really what we should be addressing.

We have the Places to Grow Act, and many of the municipalities are on board with their own government-approved plan for intensification. What we're seeing, certainly in my community of Thornhill, is intensification in terms of condos, but we're not seeing the balance in terms of the transit. The subway still isn't going to Richmond Hill. It has been a priority for 30 years. We're not seeing the economic plan. So we're seeing condos being built, but there are no jobs in the community. It's still a bedroom community. We can't call it a true downtown. The local councillor likes to call it "downtown Thornhill." What kind of downtown has condo tower after condo tower but no business towers?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I have general comments on section 10.

We have 107 members of provincial Parliament and 444 municipalities. The municipal leaders know, as they set development fees, what their community needs. They know what their community can afford. They know best how to grow their municipalities. I think that when we hold these types of discussions, we should listen more to the people on the ground, if you will, outside the bubble at Queen's Park.

I have great respect for our development community: the people who build houses, the people who sell houses. I also have great respect for municipal leadership: the men and women who get elected at the municipal level or the men and women who work for municipal government.

I drank the municipal Kool-Aid for seven years, as a city councillor. I had several discussions and lengthy debates about development charges in the city of Windsor.

I know the city of Windsor just voted last summer to increase their development charges, against opposition from the home builders and the development community. There were dire warnings expressed that we wouldn't see new subdivisions come along, but the reality is that new subdivisions are coming on, new homes are being built and people are buying them.

1620

I spoke before in here about other ways of development being spurred on in the community of Leamington, where they did away with development charges on a

three-year experiment, and it has created a bit of a building boom. In the town of Essex, where they looked at Leamington and said, "Okay. We can't go all the way because we don't have the reserve fund that Leamington is drawing from in order to offset these charges, but we'll go half the way"—they're only charging half of what they were for development fees, again on an experimental basis.

I believe there are creative ways that a municipality can spur development. They have the right, the authority and the ability, as that order of government, to set development fees in their community. They know what their transit routes will be, they know what their waste disposal costs will be and so on. They know what roads need to be built. They know the cost of growth, and they're asking us to support them as much as we can by giving them the tools. That doesn't mean development charges are going to double overnight or triple overnight. That wouldn't make any sense, but if they have to go up a bit, then they have to go up a bit, and growth should pay for growth. Having said that, I shall be voting for the section.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments or debate?

Mr. Ernie Hardeman: Just in comment to Mr. Hatfield about—that we increased the development charges in Windsor and houses are still being built, even though the building industry suggested it was going to go down, but I think it just points out what I've been saying here all afternoon. It's not extra charges to developers. The developers pay it and it comes into the price of the house. We won't know until next year or the following year whether, in fact, sales start dropping off, because houses in Windsor or wherever it is are going up to the extent that people can't afford to pay it, and they won't be buying new houses. I think it'll take a while to get there.

But I think what bothers me the most, I suppose, at this point, as we're nearing the last amendment or the last section of the development charges bylaw, is that we had three days of hearings. We had 38 groups coming forward to speak to this committee about changes that they thought were needed, and almost—I would say a large portion; better than half of those spoke to the section in this bill that is, in fact, the development charges section of the bill.

I find it really strange that there's—what was it? I didn't go all the way back through it. There was only one—if any—government amendment that was made because of what they heard, and I think it was made quite clear from—again, going back to the city of Barrie, but a lot of other ones with similar things that had specific things that weren't going to work well in this bill. It's not negative to anyone else; it's just for them. They need the changes to be made so they can carry on business as they see fit.

The government listened to the presentations. I'm not sure that they even took the presentations and showed them to the people who make the decision as to whether

you're going to support the motion or not. But I can't believe that someone went through that and then looked at them and said, "No, no, no. They don't make sense. That would just be wrong to include that in the bill." I think they just looked at it and said, "We've decided what's best for the municipalities. So we're going to introduce it and we're not going to vote for the changes."

I want to thank him for the one motion that they actually voted for, an amendment that we put forward that they voted for. The one that we had the recess for and so forth: I just want to point out—I told the delegation, when they were here, that that motion would be put forward because that was needed for them, but I said, "I can't promise you it will pass." At that point, I thought it would, because why wouldn't you help these people out? But no, for some reason, we were too set in our ways, I guess, to consider making the changes that would make it a little better, because it would be giving them some kind of credit for making decisions in their communities. That's what they told us they needed, and obviously the government decided not to do that.

With that, I do want to thank the people who made those presentations because, obviously, they went to a lot of time and effort. We want to thank them for coming to talk to us, but I really had hoped that the government would have been listening to some of those presentations. It appears, by our deliberation today, that we paid absolutely no attention to them at all. I think that's kind of a sad day.

Mr. Vic Dhillon: Chair, if I can ask Mrs. Martow—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much. I'm a little bit confused. Is Mrs. Martow bringing an amendment or a motion?

Mrs. Gila Martow: I just wanted to make the comments on my concerns. I just wanted it to be on the record that I was concerned. I think that I can put forward amendments from here till next week, but our amendments get voted down, so the key is to have it on the record that I'm very concerned about development charges, specifically in York region. That's the area that I know.

I'm very concerned that we're not necessarily taking into account—this government is talking out of both sides of our mouths. We're saying that we need more affordable housing all the time in the Legislature during debates. In the meantime, yes, there are people who are still going to be able to pay the higher development fees; we all know that. There are always people who can pay the higher development fees, but what about the people who can't? They're basically shut out. And what about the people who pay the higher development fees and don't understand that interest rates are going to go up? Right now, it's all on their mortgage because they don't have the cash to pay for those development fees. So that development fee just adds to their mortgage. What is going to happen in the province of Ontario if interest rates go up the way they did in the mid-1980s, when interest rates went sky-high, up to 18%? We're going to

have a crisis on our hands. So why would we be pushing for people to have higher personal debt because we're not managing?

Mr. Vic Dhillon: Okay, thank you.

The Vice-Chair (Mr. Jagmeet Singh): Just to clarify, we're on section 10 and this is debate on section 10 before we go to a vote. Then we'll move to the additional motions. The motion that was just withdrawn, with relation to section 10, was motion 20.

Any additional comments or debate on section 10? Seeing none, we are now in a position to vote on section 10? Shall section 10 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Seeing none opposed, section 10 carries.

Now we are in a position to deal with motion 21. Mr. Hatfield, with respect to motion 21.

Mr. Percy Hatfield: Thank you, Chair. I would like to withdraw amendment number 21.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Then we move to motion 22. Mr. Hatfield, again.

Mr. Percy Hatfield: Thank you, Chair. I would like to withdraw amendment number 22.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hatfield.

Now we move to section 11. We have motion 23. This is an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Dealing with the Planning Act, I hoped there would be an inclusionary amendment that aligns the definition of affordable housing in the Planning Act with the meaning in the provincial policy statements. I would put forth motion 23.

I move that subsection 11(1) of the bill be struck out and the following substituted:

"(1) Subsection 1(1) of the Planning Act is amended by adding the following definitions:

""affordable" has the same meaning as in the provincial policy statement issued under section 3 that is published by and available from the Ministry of Municipal Affairs and Housing; ("abordable")"

""payment in lieu" means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; ("paiement tenant lieu de cession")"

The Vice-Chair (Mr. Jagmeet Singh): Any debate or comments with respect to motion 23? Mr. Hatfield.

Mr. Percy Hatfield: I believe that when we're dealing with this we have a great opportunity, after years and years of private members' bills—including Mr. Milczyn, who was here earlier. His Bill 39 aligns the definition of "affordable housing" in the Planning Act with the meaning in the provincial policy statement. It amends section 1 of the Planning Act, which was opened by Bill

73. Mr. Milczyn proposed an identical definition in his Bill 39.

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For years, we've had various governments adopt, approve private members' motions dealing with affordable housing, dealing with inclusionary zoning. I believe this would be an ideal opportunity to say to the people of Ontario, "Yes, we understand there is an affordable housing crisis in this province. Yes, we understand the membership list for affordable housing is nearly 170,000 households, and yes, we plan on doing something about it because this is an ideal time to add inclusionary zoning into the definition under the Planning Act, and we take this opportunity to do so."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, debate or questions? Mr. Rinaldi.

Mr. Lou Rinaldi: I certainly understand where Mr. Hatfield's coming from. I know Mr. Milczyn would like to speak to this; unfortunately, he had a commitment to get to.

Having said that, that question came up in the House again as late as this morning for the millionth time, I should indicate. Roughly I paraphrase the minister that we are going through a long-term housing review. We feel that that's the best place where we're going to deal with that. The minister has made a commitment that we are going to certainly have a serious look at inclusionary housing and other zoning provisions to help with affordable housing that we know we need.

So I would say that I recommend opposing it in this particular case through Bill 73, but certainly, the minister committed as late as this morning to pursuing it under the Long-Term Affordable Housing Strategy that's in progress.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman.

Mr. Ernie Hardeman: Unless I'm missing something in this description here—all we're trying to do is put in "affordable" in the Planning Act to have the same meaning as in the provincial policy statement issued under section 3. It seems to me that it's just a definition change or putting in a definition, as it is in other legislation. I don't know why anybody would oppose it.

What we would call that is a housekeeping amendment. I just don't know. I can't understand, other than they just want to vote against everything that someone else puts forward. I can't see any other reason why they wouldn't support this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, any additional remarks?

Mr. Percy Hatfield: I believe that Mr. Hardeman has been listening to his nephew in the NDP caucus because I agree with everything he just said.

When you add a definition of "affordable" and a definition of "payment in lieu," it's almost like a housekeeping amendment, but when the government side opposes it by saying, "Oh, we'll deal with that somewhere down the road," and, "It's a better fit somewhere down the road"—we know there's an affordable housing

crisis in Ontario at the moment. I think of Mr. Trudeau and his commitment to bringing 25,000 refugees from Syria in by the end of the year. It sounds like an impossible goal, but he is proceeding and saying we're going to do our best to meet it because he sees the need and he believes that if everybody works together on it, we can get this accomplished.

That's why I am disappointed, I guess, in the government, that the government recognizes—nobody on the other side disagrees that we have an affordable housing crisis in Ontario. Everybody agrees with that. Everybody knows the enormous cost that just in the city of Toronto alone, the city of Toronto-sponsored affordable, subsidized housing—that it's billions of dollars of repairs that are needed. If we don't federally, provincially and municipally start making contributions toward the renovation costs, there are going to be hundreds, if not thousands more people on the street because their housing will be decrepit and condemned, because there's not enough money to keep up with what we have now.

We know there's a building boom, if you will—just speaking about Toronto for a moment—in Toronto, where construction cranes are everywhere, and all-new apartments, new housing, new condominiums are going up. What we're saying is, let's be creative and use inclusionary zoning as a means. It's not the magic-bullet solution, but if we can convince the development community to work with us and find creative ways of building affordable housing into their new developments, that will go a ways to resolving some of the crisis in affordable housing.

It would seem to me that if the government was keen and interested and concerned, they would take their first opportunity to work through all the parties to create a solution, or a partial solution, to the affordable housing crisis. I heard the minister speak today. I heard him as I talked to him privately in the past. He says that they're working on something else that will come out sometime next year, perhaps, depending on the legislative agenda that comes forth from the government, to deal with inclusionary zoning.

But that's a "maybe we'll get around to it" kind of solution. Mr. Trudeau didn't say, "Maybe we'll get around to helping the Syrians when we can." He's pressing ahead on the refugee file, just as we should be pressing ahead on the file of affordable housing. By including a definition in here of affordable housing and what it is, that opens the door for inclusionary zoning. It answers the repeated calls. I know Ms. DiNovo from Parkdale-High Park has had at least five private member's bills on inclusionary zoning. I remember Mr. Marchese from Trinity-Spadina had several and Mr. Prue, the former member from Beaches-East York, had several.

The first thing Mr. Milczyn did, pretty well, when he got here from Etobicoke-Lakeshore, was to bring in, practically word-for-word, the former bills that were presented to us, and we supported it. We can't believe that the government isn't incorporating his language into

this bill, because this is the ideal opportunity to step forward on this and say, “We get it. The penny has dropped. It’s there.”

This would send such a strong message, especially in Toronto, and it doesn’t force anybody. It doesn’t force a municipality. They don’t have to do it if it’s not an issue in their community. But if it is an issue in their community—affordable housing, subsidized housing—this gives them an opportunity to put legislation in that would help them deal with the crisis that they are facing.

I know Councillor Mike Layton was here last week talking about this. I know some other members of Toronto city council are trying to do it in an informal way, having inclusionary zoning within their wards, and they’re working with the development community with some success on that, but this would put it in writing, allowing municipalities, should they so decide—we’re not forcing them—to adopt this kind of bylaw, they can.

It all goes back to the simple definition of “affordable,” which goes into the provincial policy statement. That’s why we’re just trying to help out the government by putting the definition in there, so that we can take it one step further and get into inclusionary zoning as a real method, a real test of the resolve of the government to actually deal with the crisis in affordable housing in Ontario.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or concerns? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: First of all, I want to thank the member for recognizing the fact that my nephew John has learned well from his uncle. That’s what makes us similar.

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But again, on this amendment, I think it’s important to recognize that it talks about two, but the definition of “payment in lieu” is already in the bill. This is just to add “affordable” into the bill so it’s there, along with it being in other documents already. It just seems so, shall we say, redundant that we have to talk so long about it. It seems automatic: Wouldn’t we want a definition in the bill that deals with the issue that the bill is about? Obviously, affordability is what we’ve been talking about in the first part of this bill, which was all about development charges and so forth. Why would you not want the definition of what “affordable” is in the Planning Act? It just doesn’t make any sense to me. But I suppose that if they’ve got their instructions to vote against it, I expect they will.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or debate?

Seeing none at this point, I will move forward with the vote on motion 23. This is a recorded vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Baker, Dhillon, Mangat, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

That completes section 11. We’re now in a position to vote on section 11. Before we do so, are there any questions or comments; any debate on section 11? Seeing none, we can now move to the vote on section 11.

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, section 11 carries.

Moving to motion 24, an NDP motion: Mr. Hatfield.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“11.1 Section 2 of the act is amended by adding the following clause:

“(r) the promotion of built form that,

“(i) is well-designed,

“(ii) encourages a sense of place, and

“(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.”

The Vice-Chair (Mr. Jagmeet Singh): I’m just going to confer for one moment.

Mr. Hatfield, because section 11.1, section 2 is not opened up by this bill—11.1 is. Since it doesn’t open up that particular portion of the bill, this motion is out of order.

Mr. Percy Hatfield: My heart is broken, Chair; my heart is broken. I know that the member from Etobicoke—Lakeshore, Mr. Milczyn, had proposed identical legislation in his Bill 39, but if it’s out of order, it’s out of order.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hatfield.

Mr. Ernie Hardeman: You can get unanimous consent to do it anyway.

The Vice-Chair (Mr. Jagmeet Singh): We can ask for that, if you’d like to.

Mr. Percy Hatfield: I would ask for unanimous consent. It’s pretty basic, Chair.

The Vice-Chair (Mr. Jagmeet Singh): We have a request from the committee for unanimous consent to allow this motion to be heard. Do we have unanimous consent?

Interjections: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Phenomenal. I did not expect that at all. That’s cool.

Please begin debate, if you’d like.

Mr. Percy Hatfield: Chair, I don’t want to push my luck. I think I’ll just sit back at this stage. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Before I start, I have a question to the mover of the motion. I’m wondering if we could define “a sense of place.” What does that mean?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I wish I could give you a better definition. I'm sure those in the development community and the home building community could. "A sense of place" is home—it's where the heart is. Home is where you feel safe and secure. Home is where you feel, "This is my place. This is my sense of place in my community. This is where I belong. That is my sense of place. That is my security blanket," if you will.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hardeman.

Mr. Ernie Hardeman: I notice this would add a number of items, and one of those that it would add to the list of provincial interests is that promoting well-designed communities encourages a sense of place. That's the first one on the list, so I think it's rather important that we have a definition: "provides for public spaces that are of high quality, safe, accessible, attractive and vibrant." While we support attractive, well-designed buildings, we don't believe that it is equivalent to the other values on the list of provincial interests, such as the protection of ecological systems, including natural areas, features and functions; the conservation and management of natural resources and the mineral resource base; and "the accessibility for persons with disabilities to all facilities, services and matters to which this act applies." I just don't believe that this is really going to add to the quality.

This is something that I said during debate—and this was the part of the bill, I think, that the member was referring to:

"This bill amends section 2 to add promotion of built form that is well-designed and 'encourages a sense of place.' I'm not sure that most of us could even significantly define 'sense of place.'"

"I agree with the goal of having attractive buildings, but I don't believe that it is equivalent to those other values. I don't believe that it belongs at the same level" as those other values. "When it is a key value that we all share, I think that councils are happy to take on that burden, but adding less important items to the list results in it becoming over-regulation and red tape for our municipalities."

I think this is the very important part: that in fact, municipalities, if we have any respect for their authority, we would believe that they don't need that added, that that's what they have to include; they would include those things that would make it a sense of place, those things that would make it a better community. If you start clouding those things that are of provincial interest that they do with all these other things that they might do, I think it takes away from them protecting the major items that are of provincial interest, rather than just what colour or what shape or what design the building is on the street. I don't think that that is a provincial interest, nor should it be on the list of provincial interests.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow.

Mrs. Gila Martow: I think Mr. Rinaldi wanted to speak first.

Mr. Lou Rinaldi: Go ahead.

Mrs. Gila Martow: You're sure? Okay.

I think that the province definitely wants to see great planning and great places for people to congregate in their communities, and I think if that's really what they want, then maybe we can offer some support in that regard, because I'm sure a lot of small municipalities can't afford to hire some of the new, up-to-date planners who can provide some free advice or reasonable advice at a low cost.

I think a lot of time what people want is, they want to have places to walk to or cycle to or take their dog to. I know that in downtown Toronto, you see so many side-walks have been taken over by so many patios in the summer, and a lot of time people are able to bring their dogs in Toronto into many of the little stores, in the Beaches and things like that. Whereas in York region, you're not allowed to bring your dog anywhere except for your house or your neighbour's house or a dog park. I think that that's, really, going to the communities: What do people want? People want to be able to go somewhere, congregate and socialize.

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By trying to define exactly what, we're trying to have a discussion that's getting off-topic about what a sense of place is. It means different things for different people. It can be a place of worship for some people. In universities, the students are screaming and yelling that they want their safe place. I'm not quite sure what the expectation is, so I think we have to be a little bit careful when we're making demands on municipalities and on developers. I think the communities should have the ability to drive what they want in their community. Too often, now, there are provincial regulations that might suit the GTA or downtown and may not suit some of the other communities.

I want it to be put on record that I vote for lots of places where you can bring your dog.

The Vice-Chair (Mr. Jagmeet Singh): Duly noted, Ms. Martow. Mr. Rinaldi.

Mr. Lou Rinaldi: I was going to say: It's all about the dogs. I did have two dogs and three cats at one time. When our kids left, they all left. I have a lot of respect for dogs and cats.

Mr. Hatfield: First of all, we're delighted to bring it into this place, and we're going to support—we have no concerns with your motion. It would recognize interests that are already reflected in provincial policy documents like the long-term economic prosperity policy, which is part of the provincial policy statement. We have no issue with that, and we're happy to support it. This will make the bill a little bit better.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair and Mr. Rinaldi. "A sense of place," I believe, is well established in planning language. It's language that planners use. It's not anything out of the ordinary. It may not add to the equation, as Mr. Hardeman says, but adding this in certainly doesn't detract from the equation either. It really speaks to how a sense of place gives you pride in

your community or your neighbourhood. It may be an invisible boundary; it may separate the Danforth from something else—the Annex. It may be where the Beaches are; it may be the Scarborough Bluffs. But it gives you, as somebody living in that area, a sense of place: something to identify with, something to brag about.

Yes, a dog park in a neighbourhood could bring a sense of place and something to be proud of as well.

I thank those who will support this. I don't see it as detracting at all. It's simple, established language that is accepted in many areas.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I asked the mover of the motion a question earlier about “a sense of place” in the definition. If this goes into the act, who decides, when it becomes a provincial interest, whether it's “well-designed” and who decides whether it does encourage “a sense of place” if we don't even know what “sense of place” is?

If you look at the list of things that are currently of provincial interest, they are all very definable. You can't go outside the urban boundaries because we have a provincial policy that says you can't use class 1 farmland to expand urban boundaries; you can't build a factory in a place with significant aggregates under it, because that's a provincial interest; you can't build something that has a negative environmental impact to the community without an environmental assessment, because it's a provincial interest to protect our air. But how do you define, when there's an application or council is considering these things, whether it “encourages a sense of place” or whether it is “well-designed,” because everybody's view of whether it's well-designed would be different.

Number (iii) is possible: “of high quality, safe, accessible, attractive and vibrant.” I'm not sure it's necessary that anybody have an approval in the Planning Act to make something vibrant. That's going to be up to the people who develop it. Like I say, I just don't think that this is achievable so I don't think it should be on the list of provincial interests.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I won't belabour it, Chair, but I will say to Mr. Hardeman that if you have an established neighbourhood where the homes are 75 to 100 years old or more and they're all, say, two or three storeys—but there's an established neighbourhood—I think you would be out of a sense of place if you knock down one of those beautiful old century homes and put up small aluminum siding or a huge monster with shiny steel in this old brick neighbourhood. The sense of place, then, would be disrupted. I believe a sense of place is conformity as opposed to outside the boundaries of what the established neighbourhood standards are, but I won't go beyond that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: I don't disagree with you, Mr. Hatfield, but I think those are the decisions that are made

locally. As you said, it's the community that decides whether the character of the neighbourhood is going to benefit or if there's going to be a detriment to that sense of community if that development is allowed. I think that's what the whole planning process is about.

The provincial interest is to provide guidance to municipalities on how they should make the decision of whether they should or shouldn't allow it. To say that they can't approve it unless it encourages a sense of place, I think that would be very difficult to assess as we're going forward, with all the applications going through, as to whether they actually—it isn't good enough that it keeps the character of the neighbourhood; it's got to encourage to improve it, not to depriment it.

I know one case in downtown Toronto. I have some relatives who live in downtown Toronto. There was a fire on the street and, of course, the house burned down and they had to build a new one. They had to go through applications through the planning department of the city of Toronto to decide what they could rebuild. The primary residences along that are detached and semi-detached on the street, and most of them are three storeys: two full storeys and the third one is kind of within the roof or what we see might be an add-on in those days. This house went through as a three-storey house. The design looked very good. It was approved, but it did not increase the sense of place because it's a full three storeys. When they sit on the balcony on the top storey, they look into the backyards of the next 20 houses on the street. Nobody else could sit that high in their building. When they got that, that would not have been a sense of place.

It was the city that approved it, but to me, that shouldn't be the province's interest. That should be strictly the lower level. That should be in their zoning bylaw when they come in for an application to build it—and they changed the zoning on it. The municipality can make those decisions. I don't think they need a provincial interest in the shape of the building or whether the architect knows what they're doing with building it. That would be my view on it.

I will not be supporting the motion.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or discussion on this motion? Seeing none, we're in a position to vote on motion 24. Shall motion 24 carry?

Ayes

Anderson, Baker, Dhillon, Hatfield, Rinaldi.

Nays

Hardeman, Martow.

The Vice-Chair (Mr. Jagmeet Singh): The motion carries.

Now we move to section 12. We have NDP motion 25. Mr. Hatfield.

1700

Mr. Percy Hatfield: Do we have to take a vote on section 11 or no?

The Vice-Chair (Mr. Jagmeet Singh): Passing the motion puts section 11.1 into its own kind of section. Because this doesn't fit within 11; it's 11.1.

Mr. Percy Hatfield: I move that section 2.1 of the Planning Act, as set out in section 12 of the bill, be amended by adding the following subsection:

"Decision to be consistent with decisions of councils and approval authorities

"(1.1) The decision described in subsection (1) of an approval authority or of the municipal board shall be consistent with the decision described in clause (1)(a)."

The Vice-Chair (Mr. Jagmeet Singh): Any debate or discussion on this motion? Mr. Hatfield.

Mr. Percy Hatfield: I see it as an important amendment to rein in some of the power exercised by the Ontario Municipal Board and to respect municipalities. It amends section 2.1 such that OMB decisions must be consistent with municipal decisions, as opposed to merely have regard to—be consistent with the decisions made by municipal leaders.

Subsection 3(5) of the act already says that municipal decisions must be consistent with provincial policies and plans, so this amendment ensures that municipalities that do the work to comply with provincial policies and plans don't have to worry that all of that hard work will be thrown out by the OMB. I know that Mr. Milczyn, the member from Etobicoke–Lakeshore who is on the committee, had proposed identical legislation in his Bill 39 as well.

I believe that, across the province, there are municipal leaders—from the south, the north, the east and the west—who have grave concerns about the growing powers of the Ontario Municipal Board. I believe there have been outrageous examples. We are all familiar with—or should be all familiar with—the Kitchener–Waterloo region example, where they spent 10 years doing an official plan review. They followed the letter of the law and the Places to Grow Act and the provincial policy statements on growth. They tried to curtail urban sprawl. They tried to encourage more infilling.

After they spent 10 years and all of those meetings and hearings and public consultations, a developer came along and wanted to do something outside the boundary. The municipality said no. The region said no. I know that the regional chair was here last week and spoke somewhat to this. It's a textbook case. Regional Chair Ken Seiling was just outraged by it. There were appeals. The Ontario Municipal Board, without any authority to do so, just went out and made a decision which completely disregarded the provincial policy statement, Places to Grow—completely disregarded it—and allowed the sprawl. It said to the municipality, "Even though you spent 10 years doing this, even though your planners had all of these meetings and your regional municipality had unanimous support for the plan—too bad, so sad. This is what we think." They allowed it.

I know that, at one time, the Liberal government of the day had expressed outrage and said that they would join the appeal, but I'm of the opinion that they didn't get their appeal notice in on time or they didn't appear at the time of the appeal in court.

I think that when we do stuff like this, we should make sure that municipalities are consulted. Their decisions are of some significance, and the decisions they make, after such a lengthy official plan approval process, their plans, their decisions—the OMB must take into account and be consistent with those decisions as opposed to just having regard to their decisions.

I think this is such an important amendment. I can't see how anybody would oppose it, in all honesty. Everybody in the room knows how the Ontario Municipal Board doesn't have the most stellar of reputations at the moment because of decisions such as the Waterloo example. And there are others. I can give you three or four—not to that extent—examples where the OMB just goes out on its own and does something, doesn't take into account all of the planning that went into the original decision by the municipalities. So I would hope we would have unanimous support of this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, debate? Mr. Hardeman.

Mr. Ernie Hardeman: To start with, I think I just again want to ask a question. If a municipality makes a decision and it goes to the Ontario Municipal Board, why would anybody go to the Ontario Municipal Board if they have to decide the same as council? "To be consistent with" means that they could not vary the decision at all, so there's no sense in appealing any decision anymore because they have to be consistent with the municipal decision.

The other thing that kind of bothers me with this motion is that the municipality makes a decision, and we're making the assumption that because they have to have regard to provincial policy statements or even be consistent with provincial policy statements—not everyone does that. That's why it's being appealed. But with this amendment, it would require that the municipal board, since they have to be consistent not with the provincial policy statement but with the municipal decision—so it goes there, and then if it doesn't meet the provincial policy statement, they still have to approve it because council did. I think that would just nullify the need for an Ontario Municipal Board—

Mr. Percy Hatfield: Yay.

Mr. Ernie Hardeman: Well, then I think if that's the intent, then it should be a different motion, so we'd have a different debate. But I really have a concern with putting it in this way, that in fact you would be taking away the right to appeal any decision, because if the decision is made, right or wrong, the Ontario Municipal Board can't change it. So why would you set up a board like that that can't make any decisions? It just doesn't make any sense at all. I know the member said it was kind of a no-brainer. I think this is one where you don't want to use a brain because then you realize that it's

totally different than what the intent was, because it really does totally nullify the need for an Ontario Municipal Board.

The Vice-Chair (Mr. Jagmeet Singh): Let's just give Mr. Rinaldi a chance to chime in. Mr. Rinaldi.

Mr. Lou Rinaldi: Sure. I'll just be brief, Chair. Along the same lines that Mr. Hardeman spoke about, this does defeat some of the process of the Ontario Municipal Board. But I just want to reassure Mr. Hatfield that this is part of the OMB review that we're going to be embarking on down the road. Obviously these things are going to—I'm sure we're going to hear those comments. I'm not sure this is the right place to deal with it, so I recommend not supporting it at this time.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield and then we'll go back to Mr. Hardeman.

Mr. Percy Hatfield: Well, I'm disappointed, obviously. We all respect municipal leaders. We all respect municipal planning. I believe we all respect the work that goes into, when we say to a municipality, "You have to come up with an official plan. It must be updated, it must be reviewed, and you must consult with the public when you do so."

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When a municipality does that, follows the rules and puts their official plan totally in line with provincial policy statements, the growth act and everything else that is brought in by the province of Ontario, when a municipality goes through the motion and, in this case, spends 10 years coming up with a regional growth and development plan and puts it into the official plan and does everything step by step by step—consulted widely, heard from the community, heard what the community wanted—and somebody who didn't like the end result appeals and the Ontario Municipal Board agrees with the person who launched the appeal, what does that decision say to every person who appeared at a committee level during the official review of the official plan and the official policy statements?

Everything was done by the book. It was turned in, and then you make a decision, and the first thing you know, a developer says, "I don't like their decision. I'm going to the OMB." And what does the OMB do? The OMB says, "I agree with the developer."

You've just wasted 10 years of your life coming up with the official plan and following the provincial policy statements and following everything the province told you to do, and, "I don't care about those lost 10 years. I agree with the developer." What message does that send to municipalities in Ontario that you ask to follow the official plan, the Planning Act, when you say, when you do your act, "You must follow the provincial policy statements. You must follow the growth plan. You must conform," and they go out and conform, they do it to the letter of the law, and the OMB comes in with a heavy hand and a heavy boot and kicks it all aside?

So when we say simple language—I'm not saying every decision must be upheld by the OMB if somebody appeals a municipal decision, but certainly consistent with.

You might find there was a mistake made after all that 10 years. Maybe there is some minor tweaking that can go on, but you don't throw the entire plan out. You don't throw the baby out with the bath water and say, "I don't care what you did for 10 years. I'm going to do it my way. I'm the OMB and I have the right and the authority to do it." That's not right. That certainly doesn't make sense.

I think the committee members should know—everybody knows that example. It's a glaring example. It's now taught in school about how, boy, we have just given so much of the power in this province over to the OMB, for whatever reason, a couple of years ago. Was it in 2009 that cabinet gave up its previous authority and ability to overrule such a stupid decision by the OMB? They gave that away. They said, "We don't want that power anymore. We'll leave it all up to the OMB."

Now a lot of people think the OMB is out of control when they come up with this type of example. I know you hear it when you go to AMO, to the annual conference. I know you hear it. I know when you meet with municipal leaders—I know you sit in on the meetings with the minister once a month or whenever they're done, because when I was the vice-president at AMO and the chair of the large urban caucus, I used to attend this when the Premier was the minister. I know there are memorandums of understanding and everything is confidential, but I know—you also know—that the OMB, when they make decisions like this, don't encourage good participatory discussions about the need for change.

The OMB have got to be brought under control. This is simple language. This just says "be consistent with" municipal decisions, if you spend 10 years saying, "This is the boundary. This is where we're going to grow. We're not going out there because our services go this far and everything is going to pay within here. We're going to do some infilling. When this fills up, we'll go over there, but we don't want to go over there right now because we've got to worry about what we have here. We've got to worry about how we afford to pay for everything that we have here and now."

So I'm not saying that every decision is unappealable or that you always have to uphold everything the municipality did, but you should have to be consistent with the decision made. Now, if they didn't do it in the right way, yes, overturn it. But if they did it step by step by step and followed every letter of the law, every policy statement and every directive from the province, then the OMB should have to be consistent with that decision. You shouldn't be able just to drop 10 years of hard work out the window.

The Vice-Chair (Mr. Jagmeet Singh): I have Mr. Hardeman and then Ms. Martow.

Mr. Ernie Hardeman: I understand the concern that the member is bringing up, the fact that we get OMB decisions that are totally contrary to what was decided by the local municipality with, should we say, all the ducks in order. It was according to their growth plan and their official plan and their zoning, and the decision they made

makes good planning sense. And then the Ontario Municipal Board goes and makes a decision totally contrary to that because they believe that, in fairness, they know better.

I would totally agree with him, but I think the word "consistent" doesn't leave it as open as the member wants to suggest—that they can decide, "Well, if there really is a good reason, then we will have a different decision." "Consistent" means that it must be the same as their decision. Now, if this amendment spoke to be "consistent with local planning documents," it would be a different story, but it says that the OMB must be consistent with the local decision. So, if the decision was wrong—it doesn't say, "If they think the decision is right"; it says that they must be consistent with that decision. This amendment goes way beyond making sure that they follow the rules.

It wasn't that many years ago that the OMB was the arbitrator over whether the municipality had actually followed their own planning documents. Every decision was made based on reviewing the documents, reviewing the application and whether they had received a just decision.

I think the words "shall have regard to" municipal decisions make good sense. I think even broadening that out at some point to say that they must be consistent with the local planning documents might make some sense. But the way this motion is, to me, doesn't mitigate the need for an Ontario Municipal Board, because being "consistent with"—it's the reason why the word has been in the Planning Act, taken out of the Planning Act, back in the Planning Act, depending on who is government, and back out. Being "consistent with" doesn't leave room for judgment; it means, "This is what you have to do."

So I really am concerned with that. If it was a differently worded resolution, I think in curtailing the ability of the Ontario Municipal Board to go way off the beaten track and come up with a totally different decision—I would agree that we need attention to that, but this motion doesn't do that.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Oh, sorry, I forgot. Ms. Martow was next, and then Mr. Hadfield.

Mrs. Gila Martow: I'm just going to quickly reiterate what Mr. Hardeman has just said: Why have the OMB if they have to come to the same decision that was already made? But there's a big problem. I sort of feel that that's my little job here, to remind everybody about the big picture. One of the big problems that I hear—complaints about the OMB—is that it's felt that the OMB doesn't necessarily understand the community that they're making the rulings for; that they're very focused on the big GTA or Toronto itself, and they might not understand the little idiosyncrasies of some of the communities and the planning of those communities.

Within those communities, we have inspectors, and we often hear of lawsuits because, whether intentionally or unintentionally, inspectors didn't do their job properly, and buildings were built that weren't built to code; in

fact, they weren't built anywhere near to code. There have been huge lawsuits in the city of Vaughan over—and even a couple of inspectors, in one of the cases, were fired. So it was worse than negligent. So we have an OMB making rulings. We have all kinds of zoning. We have all kinds of provincial regulations. Then it comes down to inspectors ensuring that the homes and condos and the businesses are built properly, and they're dropping the ball. So who's overseeing that?

Who's overseeing Tarion that we're all getting so many complaints about, the home warranty program—that people feel that they have a warranty on a house that's not worth the paper it's written on because there's all kinds of problems with flooding, and Tarion just sends over an inspector and blames the homeowner and says that they're watering their lawn too much or things like that.

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Mr. Vic Dhillon: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Dhillon.

Mr. Vic Dhillon: I'm just wondering, do you have any stats on that? When you're referring to—

Mrs. Gila Martow: I'm just speaking about people who have come to my constituency office.

Mr. Vic Dhillon: So you had these types of incidents—

Mrs. Gila Martow: Absolutely.

Mr. Vic Dhillon: —where you're stating that the inspectors come and they treat—

Mrs. Gila Martow: I can tell you specifically where—

Mr. Vic Dhillon: The Tarion inspectors come and they tell your constituents that their complaints are frivolous? Do you have an example of a case where action has not been taken? Could you elaborate on that?

Mrs. Gila Martow: I can tell you—

Mr. Vic Dhillon: Certainly, there are difficulties—

Mrs. Gila Martow: I'm not trying to interrupt you, but you keep asking me a question and pausing, so I start to answer.

Mr. Vic Dhillon: Yes. It caught my attention that you're making it sound as if Tarion is some rogue organization and they're not doing the job that they're mandated to do. I just want some clarification, because I would like to know. It's nothing confrontational. I'd like to take it up with the minister. I'd like to take it up with Tarion.

I represent, I think, if not the largest, then the second-largest riding in Ontario. Certainly, we get complaints, and people sometimes aren't 100% happy. I get that.

But I was just referring to—what you were saying was, I think, way out in left field, possibly. I'd love to hear about—I wouldn't love to hear about it, but it would be interesting to see if those are the types of responses that Tarion is giving to your constituents.

The Vice-Chair (Mr. Jagmeet Singh): Just in the future, make sure it's one at a time. There seemed to be a bit of overlap in that. Ms. Martow brought that up.

Ms. Martow.

Mrs. Gila Martow: I will tell you that in Thornhill, at the corner of New Westminster and Beverley Glen, there's a townhouse development that has been there for about 10 years. I've gotten a lot of complaints, specifically in that townhouse development, of basements flooding, and people felt that Taron was't doing their job. Letters were sent. I'm happy to pass them directly to you, if you would like.

I know that we've tried to advocate on behalf of people. I've also met with people from Taron, and I understand their side of it as well. I think sometimes people's expectations are unrealistic in terms of what's going to be covered from a new home warranty program.

I myself purchased a home 22 years ago. It was before it was called Taron; it was called the new home warranty program, I think. I had a leak in my basement after some heavy rain. The inspector came to look at it and ran a hose on the side of the house where the water had been coming in. He ran it for half an hour and said, "You see? It's not leaking."

I said to him, "You know what? Go for lunch, leave the water running, and come back in an hour, because that was only half an hour." Sure enough, an hour later, the water comes pouring in, and they did take care of it.

I'm somewhat sympathetic to Taron, but I'm also sympathetic to the homeowners who feel that those townhouses are flooding and they feel that maybe the grading wasn't done properly, because sometimes that's what it is. We know that the home could be built properly, but maybe it wasn't graded properly.

There was a condo development in Richmond Hill 20 years ago that was famous, front-page news, because it was built over some kind of creek, and it was sinking. Do you remember that story, anybody here? They had to put in some kind of underground generator, a condenser of some kind, to keep the creek frozen under this building. There were lawsuits over that. So you wonder who is inspecting the land and saying, "Yes, it's appropriate to build a condo here."

I'm just mentioning that there's a lot of blame put at the door of the OMB. At the end of the day, the homeowners and the condo dwellers and the businesses that are having something built and having something developed—people put their whole life savings into these projects only to find out that it wasn't built properly, and they wonder why we have all these layers of bureaucracy in place if, at the end of the day, the rules weren't followed.

I'm trying to just draw it back into the big picture, which is not just about the OMB and it's not just about the OMB following whatever the municipality ruled on.

Mr. Lou Rinaldi: Chair, point of order.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Lou Rinaldi: I just want some clarification, and no pointing fingers. I'm just wondering if the rules apply here as they apply when we're debating in the Legislature, whether we have to stick to the subject at hand. I feel sorry for your leaky basement but, frankly, my basement leaks too. Well, it used to; not the house I have

now. If you can get a ruling, I would really appreciate it. That's just for my information.

The Vice-Chair (Mr. Jagmeet Singh): I wanted to give some latitude. I think it's important to have a good discussion in committee, but it is going away from the motion itself so I did allow for a great deal of latitude to talk about an area that wasn't necessarily directly related to this motion. Mr. Rinaldi's comment is a point of order. It is correct to raise this concern, and in this case I'd ask you to direct the comments to the motion at hand.

Mrs. Gila Martow: I just wanted to say, and I'll just say it very quickly, that it's not just about the OMB and it's not just about developers. It's about the whole big picture in the province which is the municipal planning, that they need to follow whatever regulations are in place. I think that municipalities oftentimes know what's appropriate for their municipality and I certainly would like sometimes, at least here, that members of the Ontario Municipal Board at least go to look at the neighbourhood, because you're shown pictures or you're given descriptions and it doesn't always do it justice.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you for allowing the latitude that you did. I believe Mr. Dhillon had asked for examples and Ms. Martow was giving him some examples.

I just want to put on the record, as I conclude my remarks on the OMB, that there's little reason for municipalities, after that Kitchener-Waterloo example—the region of Waterloo—to invest in planning reviews and develop new land use policies when a developer can turn around and immediately ask the OMB to rewrite the new rules.

I remember the member for Kitchener-Waterloo at the time wrote an op-ed piece and a quotation from that was, "Now the municipal board answers to literally no one. There is currently no elected government with ultimate authority and accountability for planning policy decisions in Ontario." And in September, 2013, in another op-ed piece, the former member for Trinity-Spadina, Mr. Marchese, said, "The OMB is not a court, a Legislature or a ministry. It is a fourth branch of government, unelected and accountable to no one."

I also, from late 2013, have an article with Jennifer Keesmaat, the director of planning for the city of Toronto, who appeared in front of us. She was talking about the power imbalance between the city of Toronto and the Ontario Municipal Board, and how the city has to negotiate settlements with developers, but it meant that the city planners were not achieving their objectives because they always talk "settle, settle, settle." She said:

"[We're settling. It's ... Far] from ideal, we're not achieving great city building if a large, substantive number of our approvals are being achieved through settlement. We often settle as a city; we're very motivated as a city to settle because it's extremely costly for us to go to the Ontario Municipal Board. We have a fraction of the resources that our competitors do at the OMB, so a settlement is in our best interest most of the time. Which

means, are we happy with the outcome we get? Not usually. Is it great city-building? Not usually. But we settled because we have the Ontario Municipal Board, which creates a culture which makes it really difficult for us to actually achieve our larger city-building objectives."

When you have people across the province saying stuff like this about the Ontario Municipal Board, I just think it makes sense that they should be consistent with municipal decisions as opposed to merely having regard to the decisions taken by a municipality.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns? Seeing none, we can move now to the vote on motion 25.

Ayes

Hatfield.

Nays

Anderson, Baker, Dhillon, Hardeman, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

At this point, we are in a position to vote on section 12. Before we do so, is there any debate or discussion on section 12? Seeing none, we can now move to a vote on section 12.

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Section 12 carries.

Before we get into the next motion and into section 13, I have a request: Is the committee amenable to a brief, five-minute recess? For myself, that would be great.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): If you are not, then I am unable to do so—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): So it will be a brief, five-minute recess.

The committee recessed from 1731 to 1739.

The Vice-Chair (Mr. Jagmeet Singh): Everybody, we will begin. We're now at NDP motion 26. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 13 of the bill be amended by adding the following subsection:

"(2) Section 3 of the act is amended by adding the following subsections:

"Aligning review of policy statements and provincial plans

"(11) The minister shall align the review of policy statements under subsection (10) with the review of provincial plans as much as possible.

"Contents of policy statements

"(12) The minister shall ensure that policy statements issued on and after the day subsection 13(2) of the Smart Growth for Our Communities Act, 2015 comes into force include,

"(a) interpretation provisions; and

"(b) provisions indicating how any conflicts with provincial plans are to be resolved."

The Vice-Chair (Mr. Jagmeet Singh): Any discussion, debate or questions? Mr. Hatfield.

Mr. Percy Hatfield: I guess it's pretty simple. What this requires is the minister to align the reviews of policy statements with reviews of provincial plans, and that policy statements include interpretive provisions and guidance about how conflicts with plans be resolved. It ensures that municipalities don't have to update everything to keep up with new planning rules every few years.

The member from Etobicoke–Lakeshore had proposed identical legislation in his private member's bill, Bill 39, so I don't see how the government could possibly refuse to support this.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion, debate or questions? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this, for a few reasons: The motion will reduce the flexibility of the Minister of Municipal Affairs and Housing to determine when and how policy review should be undertaken. The bill already proposes to extend the review cycle for provincial policy statements in 10 years, which is in keeping with the review cycle of provincial plans. It should be noted that existing legislation and the policies and plans themselves already provide provisions relating to the interrelationship between different provincial policy documents.

Chair, currently the minister has undertaken a co-ordinated review of four provincial plans that may, among other matters, address issues involving complexity, conflicting policy, and overall harmonization of policies in alignment with the provincial policy statement of 2014.

So there's an awful lot already addressing the issue, and to put something, I guess, in such a restricted form, I would recommend that we don't support this motion as presented today.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman.

Mr. Ernie Hardeman: Generally, I agree with this amendment, although as I was listening to the presentation, in fact, I have a little concern as to how this would—what shall we say?—dovetail into the review of local official plans because they're on 10-year intervals, but they are all on different intervals, so how the review of the provincial documents would fit in with that.

Having said that, I do believe that part of the motion deals with how we're going to resolve the conflict in

provincial policy statements. Going back to the “consistent with” argument, a number of years ago, if you looked at the plan, there were two different policy statements that said one conflicted with the other. Which is more important: agricultural land or aggregates? You can’t protect them both on the same piece of land, and yet if you look at the natural resources policy statement, you had to protect the aggregates for future generations. If you looked at the agriculture policy statement, you have to protect class 1 agricultural land. If you have to be consistent with both of those, someone or somehow you have to decide which one has priority over the other. You can’t do both. So I think that part of this resolution is very, very helpful, to have government define just how we’re going to deal with the conflicts.

I think also the statements and the provincial policies all coming together—and going back to my original comments a while back about the first part, development charges, the Ontario Home Builders’ Association, the Ontario Federation of Agriculture, AMO and others all supported this change to make sure that there was some consistency in how we reviewed the provincial documents so the municipalities would know what to look for and when to look for it. If they’re doing their official plan and the policy statement review is coming a year after they finished with the official plan, maybe they should just wait because they’re going to have to make some adjustments to it. They all wanted it done more in the manner that was being proposed here.

On balance, I’m going to support the resolution because I think there’s more positive than negative in it.

Mr. Percy Hatfield: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Yes, Mr. Hatfield.

Mr. Percy Hatfield: I guess I’ll be disappointed in the government members again if they don’t support this. When we listen to the Association of Municipalities of Ontario and others who come here—because they deal with it on a daily basis—and they say to us that this would help them in their official planning and their policy statements, that this is one way of making sure that everything is synchronized, then I don’t know why we don’t support it. It just baffles me.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns or debate? Seeing none, we’re in a position now to vote on motion 26. Shall motion 26 pass?

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Baker, Dhillon, Mangat, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Motion 26 does not carry.

We are now in a position to vote on section 13 of the bill. Is there any debate on section 13? Seeing none, we are in a position to vote on this section. Shall section 13 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 13 carries.

There are no motions for section 14; there are no amendments. Is there any debate on section 14? I see no debate. Shall we move to the vote now on section 14? Shall section 14 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 14 carries.

Now moving to motion 27 dealing with section 15: PC motion 27. Ms. Martow.

Mrs. Gila Martow: I move that subsections 8(1) and (2) of the Planning Act, as set out in section 15 of the bill, be struck out and the following substituted:

“Planning advisory committee

“(1) The council of a municipality may appoint a planning advisory committee in accordance with this section.”

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or concerns? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: Yes. This is a small but rather important amendment. The intent, of course, is to change the “shall” to “may,” I think for a number of reasons. This amendment would remove the mandatory requirement for planning advisory committees for the upper-tier municipalities.

Again, speaking of Oxford, the best riding in Ontario—

Mr. Percy Hatfield: Oh, wait a minute.

Mr. Ernie Hardeman: One of the two best ridings in Ontario.

For example, planning decisions are made in council meetings. This clause would move those discussions out of the public meeting and into the backroom. I think for the committee to understand, the council meets and all the discussion about that planning application is going to be made in a public forum with the media there and everybody listening for all that’s happening at the council meeting. If this is mandated that it has to be done that way, they would take those same members from council, they would appoint one layperson or non-elected official to the committee and they would have to have a special meeting, only it wouldn’t be a public meeting; it would

just be—it wouldn't necessarily be a public meeting. Even if it is public, the media will likely not show up.

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They will make a recommendation to council. The committee, all but one, are the same people who were at the meeting, so the recommendation is going to be the same at council, and the public is not going to hear the debate at all because it was already made behind closed doors at the planning advisory committee. All they're going to do—if the layperson had a different opinion in the committee, no one will know. Members will go back to council and still make the same decision. In their case, in that particular case, I believe it would be much better, more transparent and more productive if they could carry on having the 10 members of council having the planning discussion and making the planning decision.

AMO strongly objects to the mandatory planning advisory committee for the upper-tier municipalities. In their presentation, they said—and again, those who were hearing the presentations: "This idea of mandatory planning advisory committees was tried in the past and was abandoned. It created confusion as to the legislative role of councils and what the accountability framework of public advisers is, and again involves another administrative practice." That's a quote from the AMO presentation.

Opposed to the mandatory committee: the county of Renfrew, the city of Toronto, the Ontario Association of Committees of Adjustment & Consent Authorities and the county of Oxford. Ontario home builders would be opposed to mandatory planning advisory committees if they are acting as a governance body or an approval authority.

Again, there was nobody who came forward and said, "Oh, my. Isn't this a wonderful idea to set up more bureaucracy, to set up another committee where we can bring more people in to have discussions behind closed doors?" Most people came in and said, "You know, this is not going to help the system. This is more red tape, this is more bureaucracy, but the end decision is going to be made by the same people, so it really is not productive at all."

That's why we believe that in places where they believe it works well with them, they can appoint that committee. They can have laypeople on it if they so wish. In places where it's going to not work in their present structure, they can do it the way they presently do it. That's why we're suggesting that they change the word "shall" to "may," and I think it will work better for everyone else.

The Vice-Chair (Mr. Jagmeet Singh): Are there any additional comments, questions or concerns? Ms. Martow.

Mrs. Gila Martow: I think that this just goes back to what I was trying to say before: There are so many layers of bureaucracy that it's amazing that we can get anything done.

If people are trying to have a condo and a place to live, and they're being slowed down, they're waiting for

a new development in the neighbourhood to get started and get planned and get a shovel in the ground, I don't see how this is going to help things by moving things along quicker. Councils already have a public forum where people can give deputations and send in emails which are on the record. There is certainly a lot of room for input, but I have to agree with my colleague when he says that to say that they should have to have a task force—I don't see why you even have to have this in there, because if they want to set up a task force, they can set up a task force.

I just wonder who's driving this and whether it's just sour grapes that somebody who ran for council and didn't get elected and now wants to be on a task force—well, I doubt if they're going to be on that task force anyhow, because it's going to be council appointing who's on that task force.

I just don't see the point of demanding that there be some kind of—maybe the government can explain, or somebody can explain the rationale of insisting that there is a task force.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I've seen quite an evolution of planning advisory committees. I was a former municipal affairs reporter at the CBC in Windsor for most of 30 years. I used to cover planning advisory committees when I was elected as a city councillor. The first committee I applied for was a planning advisory committee. We started out as having more citizen appointments than councillors, then we went to an equal number, and then we went to more councillors.

I don't know if they still have a citizen appointment on there or not since I've left, but I remember the confusion that would come in when a planning advisory committee decision—they all come to city council after the decision is made and you go over the same debate, the same delegations come and say the same things and then city council makes a decision.

The problem we encountered was that if a decision by the planning advisory committee went one way and a decision by city council went another way, if there was an appeal to the OMB over that decision, the city had to hire an outside consultant to state its case because the city planner would have given a decision at the planning advisory committee. The planning advisory committee took that decision and went one way and then the planner gave the same decision and council went another way, so you had to get an outside planning consultant to come in and take charge of the appeal because of a conflict, or a perceived conflict.

I know that the city of Toronto is opposed to this because they have their own way of dealing with things in Toronto and it's probably a more mature evolution that they've gone through, based on the number of planning decisions that they have to make in a city of this size. But for the smaller municipalities, should they choose to appoint a planning advisory committee, if that's the way they want to do it, if that's the avenue they want to take,

then, as the former member for Trinity–Spadina would say, “God bless.” But for those that don’t want to go that way—because some see it as redundant because the final decision at the end of the day will come down to the municipal council regardless. So I think they should have the ability, the right, to make their own decision on this. If they say to us, “We don’t want to be mandated to have one, but we may choose to have one,” we should recognize that and give them that ability to make that decision for themselves.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I recommend not supporting this motion. I think it removes the requirements for planning advisory committees, on which the citizens are represented in the upper-tier and single-tier municipalities in southern Ontario, and thereby removing an additional forum through which residents will be more directly involved in planning matters. This is in order to be more open to planning decision-making in our communities.

The intent of Bill 73 is to facilitate greater collaboration and exchange of ideas between council and the public. The proposed Bill 73 changes will not impact how council chooses to use a planning advisory committee. Council will continue to have the ability to determine the type of planning matters that these committees could provide comments on, their role and that of the public. We always talk about public participation, that we should encourage it in decision-making—that’s in all levels of government. This is another way that the public

can get involved, certainly. It will make, I think, a better planning process for communities.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hardeman. I’ll just note that we’re close to 6 o’clock, and it’s a sharp stop at 6 o’clock. You can make, maybe, a one-minute comment—a minute and a half.

Mr. Ernie Hardeman: I think it’s important to recognize that the parliamentary assistant talks about more transparency and more public involvement. In my opinion, as I mentioned about the situation in Oxford, it will do exactly the opposite.

I had the opportunity, for nine years, to be on the planning committee in Oxford. At that time, we had a planning committee of members of council that met and then they made a recommendation to council for decisions. I can tell you that, if you’re looking for public participation, the only people who came to a planning committee were not the media, not the public; it was the applicant—that’s it. Then they would make recommendations. If anyone else wanted to speak to that issue, they would then come to council because that recommendation from the planning committee came to council. Then council would, as was mentioned by Mr. Hatfield, review it in its entirety if there was the public there—

The Vice-Chair (Mr. Jagmeet Singh): Sorry. Save it for next time. The committee is adjourned until 4 p.m. tomorrow, November 17. We are going to be in committee room 1. Thank you so much. You guys have been great. I couldn’t have done this without you.

The committee adjourned at 1800.

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Journal des débats (Hansard)

Mardi 17 novembre 2015

Standing Committee on Social Policy

Smart Growth for Our
Communities Act, 2015

Comité permanent de la politique sociale

Loi de 2015 pour une croissance
intelligente de nos collectivités



Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

Président : Peter Tabuns
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 17 November 2015

Mardi 17 novembre 2015

*The committee met at 1600 in committee room 1.*SMART GROWTH FOR OUR
COMMUNITIES ACT, 2015LOI DE 2015 POUR UNE CROISSANCE
INTELLIGENTE DE NOS COLLECTIVITÉS

Consideration of the following bill:

Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act / Projet de loi 73, Loi modifiant la Loi de 1997 sur les redevances d'aménagement et la Loi sur l'aménagement du territoire.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here to resume clause-by-clause consideration of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

At the conclusion of yesterday's meeting, the committee was considering section 15, PC amendment number 27, and Mr. Hardeman had the floor.

Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Chairman. I think I had almost concluded debate on it, but I think I just want to reiterate for those members of the committee who maybe were not here last time.

This amendment just changes the word from "shall" have the committee to "may" have the committee. AMO strongly objected to the mandatory planning advisory committee for the upper-tier municipalities in their presentation. They said, "This idea of mandatory planning advisory committees was tried in the past and was abandoned. It created confusion as to the legislative role of councils and what the accountability framework of public advisers is, and again involves another administrative practice."

It was opposed in the presentations to the committee by the county of Renfrew, city of Toronto, Ontario Association of Committees of Adjustment and Consent Authorities and the county of Oxford. The Ontario Home Builders' Association "would be opposed to planning advisory committees acting as a 'governance body' or 'approval authority.'"

I think that really explains why we're trying to make that change. With that, I think it's all been said and we can just—

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I just want to add, I guess, in support of the bill, that the flexibility issue—if you have the "may" in there as opposed to "shall" or "will," each municipality, which knows its own planning code better than anybody up here, and the growth plan, has the flexibility of how they want to structure it. The final decision, of course, always rests with municipal council. So if you have a committee, that final decision, their recommendation, still comes to council. I think allowing municipalities the flexibility as to whether they want to appoint a planning advisory committee or not gives them what they say they need, which is the flexibility to change from time to time.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend opposing the motion for the reason that basically it removes the requirement for a planning advisory committee, thereby removing an additional forum through which residents will be more directly involved. The intent of the bill is to facilitate greater collaboration.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hatfield.

Mr. Percy Hatfield: Just in response to that, I'll say that residents are directly involved when they elect their municipal councils. They elect people they believe will make the best decisions in their best interests, and the final decision still rests with the municipal council that gets elected.

Some municipalities want planning advisory committees. I've been on them; I respect them. But some municipalities want to do it their way. They can get their work done quicker if they do it all through council.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Seeing no other commentary, you're ready for the vote?

All those in favour? All those—

Interjection.

Mr. Percy Hatfield: I'm sorry. I'm too late for this one.

The Chair (Mr. Peter Tabuns): Yes, you are.

Mr. Percy Hatfield: But in the future, could we have a recorded vote on all the votes that we're taking?

The Chair (Mr. Peter Tabuns): Yes, we could.

All those in favour? All those opposed? The motion is lost.

We go to number 28, an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair, and good afternoon.

I move that section 8 of the Planning Act, as set out in section 15 of the bill, be amended by adding the following subsection:

“Same, agricultural areas

“(4.1) The members of a planning advisory committee for a municipality where agricultural land uses represent more than 10 per cent of the land area shall include at least one resident of the municipality who is a farmer.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mr. Percy Hatfield: Yes, thank you. We heard from the Ontario Federation of Agriculture that they have grave concerns about—and this just happened, I guess—the proposal that a member of the public be on the planning advisory committee. In areas of heavy agricultural use, farmers are concerned that their traditional rights to farming could be in jeopardy if somebody gets on the planning advisory committee and doesn’t take into account what happens on a farm.

It could be a hobby farmer, it could be just somebody who runs a small commercial enterprise somewhere within the municipality, but the farmers want to make sure that their best interests are being protected at the planning advisory committee level. They don’t want to take the chance that somebody with no history or no education about farming would be putting forward motions that could jeopardize their livelihoods and the tradition of farming in Ontario.

I believe there will be occasions, if you’re going to have a citizen appointment on a planning advisory committee, where it isn’t appropriate, necessarily, to have a farmer on there. But in other cases, where the agricultural industry—and we know the vast importance of it to this province—wants their rights protected by having somebody with a farming background, a member of an established farming association, there protecting their rights as well.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: We’ll be recommending opposing this motion. We’re essentially creating a whole second class of planning council—those who have farming lands—and it’s not very workable. It reduces the flexibility of municipal councils. I know in the municipal communities, as the PA to agriculture, where there’s a substantial farming community, they’re apprised of those issues. We have a citizens’ representation. They’re only one vote on the council. In any event, we’ll be voting against this motion.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, the committee is ready for the vote. As requested, it will be a recorded vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. Shall section 15 carry? Recorded vote.

Ayes

Anderson, Malhi, Mangat, Potts, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Chair (Mr. Peter Tabuns): The motion is carried.

Before we go to the next amendment, I’ll just say to everyone sitting at the table: When we’re here, you need to pay attention to votes. There are times when people have lost votes because other members didn’t put up their hands. You do have to pay attention.

The next motion is 29: Mr. Hatfield.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“15.1 Section 8.1 of the act is amended by adding the following subsection:

“No appeal re fee

“(9.1) There is no appeal under subsections 69(3) and (4) in respect of the fee established under subsection (9).”

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I’m sorry to have to say, but I rule this amendment out of order because it amends a section of the Planning Act that is not opened up in Bill 73.

Mr. Percy Hatfield: I am deeply hurt, Chair, deeply, deeply hurt.

The Chair (Mr. Peter Tabuns): I knew you would take it personally, and I’m sorry about that.

Mrs. Gila Martow: May I ask a question? Why wouldn’t we announce that something’s out of order before? It has to be read into the record and then we decide if it’s out of order?

The Chair (Mr. Peter Tabuns): Yes. Typically, it has to be moved before I make a ruling.

Mrs. Gila Martow: Okay.

The Chair (Mr. Peter Tabuns): We go on to section 16 and amendment 30: Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 16(1)(a) of the Planning Act, as set out in section 16 of the bill, be amended by striking out “the social, economic and natural environment of the municipality” and substituting “the social, economic, built and natural environment of the municipality”.

1610

The Chair (Mr. Peter Tabuns): Do you wish to speak to that?

Mr. Percy Hatfield: I do, if I am called upon to do so. Thank you very much.

This requires the municipalities to also set goals for the built environment in their official plans. The member for Etobicoke–Lakeshore proposed identical legislation in his private member’s bill, Bill 39. This assumes that

the government has, so far—you might want to point out that, despite voting to support Bill 39, the government seems unwilling to support any of it here, where it counts. I just think that the language is good. It's been put forward by one of their own members. We should take into account the built and natural environments.

The Chair (Mr. Peter Tabuns): Any further commentary by members of the committee? Mr. Rinaldi.

Mr. Lou Rinaldi: I am recommending that we support the motion, Chair. We have no concerns with this motion.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Hatfield, no further comments?

Mr. Percy Hatfield: No, no. After hearing that, I'm going to shut up and walk away.

Laughter.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: I want to point out that when you bring really good motions forward that are supportable, we're happy to support them every time. Thank you.

Mr. Percy Hatfield: I would like to think that every motion I bring forward is a very good motion, well thought out and worthy of support from the government.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. The committee is ready to vote? As before, recorded vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We shall vote on section 16 as a whole. Shall section 16, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The section, as amended, is carried.

We go on to section 17 and amendment 31. Mr. Potts.

Mr. Arthur Potts: I move that subsection 17(23) of the Planning Act, as set out in subsection 17(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Notice

"(23) The council shall ensure that written notice of the adoption of the plan is given in the prescribed manner, no later than 15 days after the day it was adopted,"

The Chair (Mr. Peter Tabuns): Any further comments? There being no comments, are you ready to go to the vote?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to the next motion, number 32. Ms. Martow.

Mrs. Gila Martow: I move that subsection 17(23.1) of the Planning Act, as set out in subsection 17(4) of the bill, be struck out and the following substituted:

"Contents

"(23.1) The notice under subsection (23) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (23.2) had on the decision.

"Same

"(23.1.1) The notice under subsection (23) shall contain any information that is prescribed."

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment is to clarify—we heard a lot of concerns raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out presently in the bill, may not be feasible. A number of municipalities raised concerns about this clause, such as the resources required to record oral submissions.

As well, the city of Toronto pointed out that they deal with thousands and thousands of applications every year and there may be multiple reasons that councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of the written or oral submissions simply isn't feasible.

I think it's important in this case to look at—if you have five people on the committee making a decision on an application, and then to have the clerk of the committee and the recorder of the proceedings record for each one of those decisions what made them decide to vote the way they did—because that's what the bill is presently requiring. This is just to clear it up: that the written submissions and the decision that the committee makes would be recorded as the decision. If the committee gave reasons, they would be recorded, but if it was just from what was said and everybody puts up their hand, the decision would not have to say what it was that made them decide it.

I think using it at Queen's Park to suggest that the last vote we held after question period today—that somebody had to record what made every individual vote the way they did based on the oral presentations that took place in the debate prior to the vote: I think that's just not practical. It seems to me that this motion clears that up.

The Chair (Mr. Peter Tabuns): Any further commentary on this? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the proposed PC motion will make the explanation of the effects of public input discretionary. The motion will remove transparency in decision-making in the process. I recommend opposing the motion.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: In that explanation, that even drives me further to the challenge of why we need this

motion. Whether they listen to the people is not what the bill presently requires. What we're putting in this—after they make a decision, what drove that decision is not the important part. The public wants to know the decision they made. I don't think that suggesting that this is going to disregard the public's opinion after they've made the decision—whether you write the public's input into the decision is somewhat irrelevant. If they say that what the public said meant absolutely nothing, then they don't have to put “nothing” in the decision, because it had no input in their decision. To me, this clarifies that they put in what is necessary, as the clerk of the committee heard it.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Seeing no further discussion, people are ready for the vote. It will be recorded.

Ayes

Hardeman, Hatfield, Martow.

Nays

Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to the next motion, number 33, a PC motion. Who will be introducing it? Ms. Martow.

Mrs. Gila Martow: I move that subsection 17(5) of the bill be amended to add the following subsection to section 17 of the Planning Act:

“Same

“(24.5.1) Despite subsection (24.5), an appeal may be brought in respect of a part of an official plan that identifies a boundary of an area described in subclause (a)(i), (ii), (iii) or (iv) of subsection (24.5), unless an appeal process exists with respect to the establishment of that boundary under the act referred to in the relevant subclause.”

The Chair (Mr. Peter Tabuns): Ms. Martow, did you want to speak to that? I noticed that there's a 33.1 to replace 33.

Mrs. Gila Martow: I can go ahead—33.1—you want me to speak on the amendment?

The Chair (Mr. Peter Tabuns): Well, I do, but are you moving 33 or your replacement motion, 33.1?

Mr. Ernie Hardeman: I stand to be corrected, Mr. Chairman: I believe she read 33.1.

The Chair (Mr. Peter Tabuns): Oh, she did? Okay.

Mrs. Gila Martow: I didn't.

Mr. Ernie Hardeman: She didn't.

Mr. Arthur Potts: We don't have a copy of 33.1.

The Chair (Mr. Peter Tabuns): One moment while that's—

Interjections.

The Chair (Mr. Peter Tabuns): You do have it? Everyone has it?

Mrs. Gila Martow: I have it.

Mr. Ernie Hardeman: Yes, everybody has it.

The Chair (Mr. Peter Tabuns): Good. Okay. We're not going forward with 33. We're going with 33.1; is that correct?

Mrs. Gila Martow: I'll withdraw 33. Sorry. I didn't have 33.1.

The Chair (Mr. Peter Tabuns): Okay.

Mrs. Gila Martow: I move that subsection 17(5) of the bill be amended to add the following subsection to section 17 of the Planning Act:

“Same

“(24.5.1) Despite subsection (24.5), an appeal may be brought in respect of a part of an official plan that identifies a boundary of an area described in subclause (24.5)(a)(i), (ii), (iii) or (iv), unless an appeal process exists with respect to the establishment of that boundary under the act referred to in the relevant subclause.”

1620

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Did you want to speak to this?

Mrs. Gila Martow: I'm happy to speak to it.

The Chair (Mr. Peter Tabuns): Then proceed.

Mrs. Gila Martow: But I'll let my colleague go ahead, if he's ready.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: The reason for this amendment is in fact that presently in the lines we're talking about, in the designated areas where the bill says that there will be no appeal if it includes those designated areas, there was no appeal when those lines were created either. This here suggests that you could appeal them through this legislation until such time as we could get in place an appeal process within the legislation for those that are all presently under review.

We recognize that the appeal processes might take different amounts of time to create. As each process is set up, then the related section banning appeals to the official plan will go into force. This just allows the appeals to be in place until they are directed somewhere else, and then they would automatically drop out of this piece of legislation.

The property owners whose land was included in one of these designations should have a chance to bring forward the concerns and point out errors, if one has been made. There have been places where that has happened in the previous designation of the greenbelt, but there was no place they could go. Up to and including when we held hearings on the review of the greenbelt, even the ministry agreed that there had been places where changes needed to be made, but they didn't have the ability in the bill to do it. So we are, in this here, suggesting that we could put it in this bill. Then, when they do put it in the bill, in the coming time when they do the greenbelt and Oak Ridges moraine review, it would be included in.

We heard from a property owner in Hamilton whose property was included in the greenbelt because municipal staff thought that there was a waterway on it. The waterway was actually on the neighbouring property, but there was no way for the property owner to appeal the

designation, so it's in the greenbelt because of the waterway that doesn't exist.

We recognize that a more appropriate place for these appeals is at the provincial level, which is why the section which prohibits appeals on the boundaries on the official plan will go into effect as soon as the provincial appeal is in place. We believe it should be in the other, but we should allow it, for the time being, in this legislation for the people who live in those areas, particularly as they're looking at redesignating the areas around there.

The Chair (Mr. Peter Tabuns): Is there any further comment on this? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, this proposed motion could result in unnecessary and disingenuous appeals as the Ontario Municipal Board is already obligated to uphold provincial policies. In addition, the identified matters have already been subject to a fulsome provincial review and involve extensive public consultation.

The Chair (Mr. Peter Tabuns): Any further commentary? People are ready for the vote?

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): It is lost.

We go on to government motion 34. Mr. Potts?

Mr. Arthur Potts: I move that section 17 of the bill be amended by adding the following subsections:

“(6.1) Section 17 of the act is amended by adding the following subsection:

“Same

“(25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.”

“(6.2) Subsection 17(26) of the act is amended,

“(a) by striking out ‘(24) and (36)’ in the portion before clause (a) and substituting ‘(24), (36) and (41.1)’; and

“(b) by adding the following clause:

“(a.1) where notice is given by email, on the day that the sending by email of all required notices is completed;”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Is there any commentary?

Mr. Arthur Potts: It's a technical change which just clarifies the meaning of the act.

The Chair (Mr. Peter Tabuns): Okay. Thank you. Mr. Hardeman, you have a comment?

Mr. Ernie Hardeman: Yes. I agree with the changes and support the resolution. I just wish that they had been so considerate about the previous one on the oral presentation having to be recorded on minutes of a meeting.

But with that, we will support this motion.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: I'll be supporting the motion as well because I believe this accomplishes exactly what Mr. Hardeman was arguing for in the previous motion. I believe this clause will deal with the person whose property didn't have the water flowing through it. This is the way to go about it, as opposed to the previous motion, so I'll be supporting this one.

The Chair (Mr. Peter Tabuns): Thank you. The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to government motion 35. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 17(25.1) of the Planning Act, as set out in subsection 17(7) of the bill, be struck out.

The Chair (Mr. Peter Tabuns): Thank you. Any commentary? Ms. Mangat.

Mrs. Amrit Mangat: This is a consequential motion, so I recommend supporting this motion.

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to government motion 36. Mr. Potts.

Mr. Arthur Potts: I move that subsection 17(35) of the Planning Act, as set out in subsection 17(9) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice

“(35) If the approval authority makes a decision under subsection (34), it shall ensure that written notice of its decision is given in the prescribed manner to,”

The Chair (Mr. Peter Tabuns): Thank you. Any commentary? Mr. Potts.

Mr. Arthur Potts: Yes, again, this is a technical change that facilitates the modernization of giving notice through additional methods.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Through you to the Clerk, I wonder if I could ask a housekeeping question. When we read these, do we have to say,

“Bracket, bracket, bracket,” or not? If we do, then we should all be consistent. If we don’t, then we should all be consistent.

Ms. Susan Klein: When I see “35,” I just say “subsection 35.” I don’t say “brackets.”

Mrs. Amrit Mangat: So we don’t have to?

Ms. Susan Klein: I don’t think so. In the opening of this, you can say, “I move that subsection 17(35) of the Planning Act,” and then when you’re reading it, the actual text of the provision, “If the approval authority makes a decision under subsection (34),” that’s fine.

Mrs. Amrit Mangat: I was told that we have to read every single thing. It may be a bracket or a comma or something. So that’s why I did it.

Ms. Susan Klein: Yes, the way you read it—

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Tabuns): No problem.

Any further commentary on the content? There being none, the committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to NDP motion 37. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 17(40) of the Planning Act, as set out in subsection 17(13) of the bill, be amended by striking out “180 days” and substituting “240 days”.

The Chair (Mr. Peter Tabuns): Do you want to comment further?

Mr. Percy Hatfield: Well, if you would like me to, I could. Perhaps we’ll see if there’s support or not support.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: We’re recommending opposing this motion. We think it will create unnecessary delays. We’ve already extended the timelines. We think that they’re adequate in the bill as drafted.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Any further commentary? Mr. Hatfield.

1630

Mr. Percy Hatfield: Those of us who have dealt with planning matters before know that not all applications can be dealt with as quickly as others. Some do require more time.

Many municipalities have asked for more flexibility. I believe the member for Etobicoke–Lakeshore proposed a similar timeline in Bill 39. Because he did that and I love Bill 39, I’ll be supporting it when it comes before us. I think it’s just a housekeeping thing to keep it all in line with what we would be voting on eventually.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Ms. Mangat, you wanted to speak? Please.

Mrs. Amrit Mangat: The government has already doubled the timelines for decision-making, so I would oppose this.

The Chair (Mr. Peter Tabuns): Seeing no further comment, the committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go on to NDP motion 38. Mr. Hatfield.

Mr. Percy Hatfield: I withdraw this one, since my proposed 37 didn’t pass.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. The motion is withdrawn.

We go to government motion 39.

Mrs. Amrit Mangat: I move that subsection 17(41.1) of the Planning Act, as set out in subsection 17(15) of the bill, be amended by striking out “on and after the day that is 21 days after the date of the notice” and substituting “after the day that is 20 days after the day the giving of the notice is completed”.

The Chair (Mr. Peter Tabuns): Thank you. Any commentary from anyone?

Mr. Ernie Hardeman: I’d just like the parliamentary assistant to explain what we’re trying to do here.

Mr. Lou Rinaldi: Sure. This motion is part of a—

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Tabuns): No, that’s fine. Please go ahead.

Mr. Lou Rinaldi: This motion is part of a technical change to subsection 17(26) of the Planning Act to clarify when notice is deemed to be complete for the proposed new optional notification period for non-decision appeals.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: What does it change, the amendment, from what the bill says?

Mr. Lou Rinaldi: As I mentioned, it’s really a technical change.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: I’m trying to understand it.

Mr. Lou Rinaldi: Well, I’m not—

Mr. Ernie Hardeman: That’s sufficient. Thank you.

The Chair (Mr. Peter Tabuns): That’s sufficient? Good. Is there any other commentary? There being none, you’re ready for the vote?

Ayes

Anderson, Malhi, Mangat, Potts, Rinaldi, Hatfield.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to NDP motion 40. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 17 of the bill be amended by adding the following subsection:

“(18) Section 17 of the act is amended by adding the following subsections:

“L.G. in C. may confirm, vary or rescind orders

“(55) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(56) Any party or person who has filed a petition under subsection (55) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Hatfield?

Mr. Percy Hatfield: I think it's an important amendment to restore the government's powers to overturn OMB decisions upon petition with respect to official plans. The government used to have the power, but inexplicably, gave it up in 2009. Now, no elected government has ultimate authority over the planning policy in Ontario.

As you know, in Waterloo region, the OMB basically rewrote Places to Grow with a terrible pro-sprawl decision in 2013, and the government was helpless to defend its own anti-sprawl legislation. The OMB decisions are supposed to be consistent with provincial plans, but it is up to the OMB to decide what “consistent” means.

Politics should be written by elected governments. I think we talked a lot about this yesterday. I think we all know the glaring example of Waterloo region, and it shouldn't be allowed to be duplicated in any fashion in the future. That's why this amendment is in front of us, and I would hope that the government, after seeing what happened in Waterloo, would recognize the mistake—there is no apology needed; it happened. Let's just move forward and correct the mistakes of the past.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Chair. Let me give the member credit, obviously, for what he is proposing. But I would recommend, since there is going to be an Ontario Municipal Board review, that this certainly would fit better with that review than with Bill 73.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, are we ready for the vote? Mr. Hardeman.

Mr. Ernie Hardeman: I have a real concern with this amendment. I'll start off by saying it's like suggesting that the Attorney General should have the power to overrule all court decisions of judges if somebody petitions that the judge didn't give the proper ruling. I just don't think that's the appropriate way to deal with it.

If we have a quasi-separate body reviewing it and somebody goes there with an appeal on a land use decision, and they know that, in the end, all it's going to take is for people to petition the Minister of Municipal Affairs and Housing to say, “Well, yes, it does look to me that I would have decided differently”—that with all that's been said and done and all the money that's been spent, the decision can be overturned—I don't know why anybody would go to the Ontario Municipal Board and think they were going to get a fair, unbiased hearing as to whether the municipality was right or wrong in its decision. Why would they go at all?

I just think it totally negates the need for the Ontario Municipal Board. Yesterday, in some of the debate we had, I think the member introducing this motion suggested that may be a good idea. I agree with the parliamentary assistant: That may very well be a good idea, but it should be done through the review of the Ontario Municipal Board, not in this legislation.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, you indicated that you wanted to speak?

Mr. Percy Hatfield: Thank you, Chair. I won't belabour it. I'll just remind the member from Oxford that Waterloo region spent 10 years developing an official plan; made it comply, letter for letter, clause for clause, with Places to Grow and the provincial policy statement; and it was overturned on appeal. The OMB disregarded the provincial policy statement, disregarded Places to Grow, disregarded 10 years of effort put in by the regional municipality of Waterloo, overturned that decision and came up with something entirely on their own. You talk about time and money that goes into something; the OMB just threw that out the window. This would prevent that from happening again.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. It looks like we're ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We now go to the vote on section 17. Shall section 17, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 17, as amended, is carried.

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We go to section 18. There are no amendments. Is there any commentary?

There being none, shall section 18 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 18 is carried.

We go to section 19. There are no amendments; no commentary. Shall section 19 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 19 is carried.

We go on now to section 20. We go to PC motion 41: Ms. Martow.

Mrs. Gila Martow: I move that section 20 of the bill be amended by adding the following subsection to section 22 of the Planning Act:

“Same

“(2.2) For greater certainty, subsection (2.1) does not prevent a council from initiating its own amendment to a new official plan before the second anniversary of the first day any part of the plan comes into force.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman?

Mr. Ernie Hardeman: This amendment would ensure that municipalities have the ability to amend the official plan during the two-year freeze that follows the adoption of a new plan. Several municipalities expressed concerns that the clause, as written, which includes public bodies, would prevent them from making amendments during the two-year freeze. The Planning Act defines “public body” as “a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation.” If there is no ability to rezone during this time period, it will stifle economic growth in small communities. Currently, Bill 73 reads: “No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect.”

Hamilton said during their presentation, “To provide no avenue through which these sorts of amendments can be made, even when they’re supported by planning staff and council, could put a bit of a chill on development, and obviously none of us wants to do that.” The township of McKellar passed a resolution that said that “the specific changes related to the restriction of official plan, zoning bylaw amendments and minor variances applications after new official plans and zoning bylaws may be

problematic and result in obstructions and delays for development in the northern communities of the province.”

Concerns about the impact of the freeze have also been raised by AMO, the county of Renfrew, Ontario Home Builders’ Association, Ontario Professional Planners Institute, Bracebridge, Owen Sound, township of Admaston/Bromley, city of Vaughan, Timmins Chamber of Commerce, Greater Sudbury Chamber of Commerce, Thunder Bay Chamber of Commerce, town of Whitby, city of Hamilton, and other organizations.

This motion will alleviate that because, instead of being prohibited from participating, the municipalities would be allowed to initiate an application even though there was a freeze on for everybody else. So I think it would solve the problem that all these people talked about in the public hearings.

The Chair (Mr. Peter Tabuns): Is there any further comment? Mr. Rinaldi?

Mr. Lou Rinaldi: The proposed PC motion: We feel it’s inappropriate as municipalities currently and would continue to have authority under sections 17 and 21 to initiate amendments to their own official plan. It’s already in place if Bill 73 is passed.

The Chair (Mr. Peter Tabuns): Mr. Hatfield?

Mr. Percy Hatfield: I agree totally with the concept. However, I’ll be voting against motion 41 because I believe 42 does a better job. Even though the wording is more difficult to understand, it does a better job than 41. So I’ll be voting against this one and then in support of the next one.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go to government motion 42: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 20 of the bill be amended by adding the following subsection:

“(1.1) Section 22 of the act is amended by adding the following subsection:

“Exception

“(2.2) Subsection (2.1) does not apply in respect of a request if the council has declared by resolution that such a request is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally.”

The Chair (Mr. Peter Tabuns): Any further commentary, Mr. Rinaldi?

Mr. Lou Rinaldi: To be clear, this motion will authorize councils by resolution to permit applications to be made during the two-year period following approval

of a new official plan. This change is in response to submissions from municipalities that the bill will restrict flexibility to consider private development processes.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: I want to say that it does cover off—I wouldn't necessarily say better than the previous resolution—exactly the same thing, and I commend the government. We will be supporting this motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to government motion number 43. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 22(6.6) of the Planning Act, as set out in subsection 20(3) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice of refusal

“(6.6) A council or planning board that refuses a request to amend its official plan shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Amrit Mangat: Chair, this change is in response to the submissions from municipalities, so I support this motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. We're ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to motion number 44 from the Progressive Conservative Party. Ms. Martow.

Mrs. Gila Martow: I move that subsection 22(6.7) of the Planning Act, as set out in subsection 20(3) of the bill, be struck out and the following substituted:

“Contents

“(6.7) The notice under subsection (6.6) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (6.8) had on the decision.

“Same

“(6.7.1) The notice under subsection (6.6) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would address the concern raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out in Bill 73, may not be feasible. A number of municipalities raised these concerns about this clause, such as the resources required to record the oral submissions.

As well, the city of Toronto pointed out that they deal with thousands of applications every year and there may be multiple reasons that councillors made the decision to vote the way they did. Interviewing each councillor to determine the impact of written and oral submissions simply isn't feasible.

Again, this goes back to the other motion in the other section. It's just that trying to figure what drove every member of the committee to vote the way they did doesn't seem like a practical approach to the issue and of absolutely no benefit to the end result. The decision would be written up after the decision was made, so there can be no changes made to the decision. Going to that much trouble trying to get this information and record it all—make a book, so everyone can see a book along with how each councillor made their decision—just doesn't seem practical at all.

I just hope that the government takes advantage of this second opportunity to actually change it, so that we don't have to have that kind of a mess in our planning process in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Mr. Rinaldi.

Mr. Lou Rinaldi: This is really a repeat of what was in a previous motion. This motion will make the explanation of the effect of public input discretionary and the motion will remove transparency in the decision-making process, so I recommend not supporting it.

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: I was going to add that I think, of all the presentations that were made to us in the committee, we didn't have one single presentation that suggested that this would be a good idea—none.

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These are the people who deal with the decisions every day—as the people from Toronto said, thousands of them in a year. Not one spoke in favour of writing what drove the decision. This isn't just writing in the reasons for the decisions. This is what it was that drove each councillor to vote the way they did. It just isn't practical.

I just wanted to point out for the record that, in fact, we are creating a dilemma here where no one can live up to the legislation. I don't know how they're going to have seven people sitting around the table and go around to each one after they've made the decision, saying, “And what was it that made you decide to vote no?” or “What was it that made you decide to vote yes?” I've sat around those tables and I can tell you I wouldn't answer that question to anyone. I made my decision based on what I heard, thank you very much.

That's why I think this is so important. I want the record to show that I tried to correct this, but the government turned a blind eye.

The Chair (Mr. Peter Tabuns): Any further commentary? Seeing none, you're ready for the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go now to NDP motion 45. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 20 of the bill be amended by adding the following subsection:

“(3.1) Subsection 22(7.0.2) of the act is amended by striking out ‘180 days’ in paragraphs 1 and 2 and substituting in each case ‘240 days’.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any commentary?

Mr. Percy Hatfield: Just to say that this does extend the time period for municipalities to make a decision with respect to an official plan amendment before the applicants can go to the OMB from 180 days to 240 days. As I've said previously, not all applications can be dealt with as quickly as others. Some require more time. Many municipalities have asked for more flexibility.

I'll point out again that the member for Etobicoke-Lakeshore in his private member's bill proposed a similar timeline, in his Bill 39. I'm just taking a cue from him.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I give the member credit. Keep on trying, right?

Chair, for the same reasons as the other one: The government has already dealt with the decision-making time and this will only delay the process. I'm recommending that we don't support the motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go now to government motion 46. Mr. Potts.

Mr. Arthur Potts: I move that section 20 of the bill be amended by adding the following subsection:

“(3.1) Section 22 of the act is amended by adding the following subsection:

“‘When giving of notice deemed completed

“(7.0.4) For the purposes of subsection (7.0.3), the giving of written notice shall be deemed to be completed,

“‘(a) where notice is given by email, on the day that the sending by email of all required notices is completed;

“‘(b) where notice is given by personal service, on the day that the serving of all required notices is completed;

“‘(c) where notice is given by mail, on the day that the mailing of all required notices is completed; and

“‘(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed.”

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Potts?

Mr. Arthur Potts: Again, a technical motion to clarify that.

The Chair (Mr. Peter Tabuns): Any further commentary by members of the committee? Seeing none, people are ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go now to NDP motion number 47. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 20 of the bill be amended by adding the following subsection:

“(7) Section 22 of the act is amended by adding the following subsections:

“‘L.G. in C. may confirm, vary or rescind orders

“‘(14) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“‘(a) confirm, vary or rescind the whole or any part of such order or decision; or

“‘(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“‘Withdrawal of petition

“‘(15) Any party or person who has filed a petition under subsection (14) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: It's an important amendment, I believe, because it does restore the government's powers to overturn decisions made by the Ontario Municipal Board, upon petition, with respect to official plan amendments. The government used to have this power, but they gave it up in 2009. Now no elected government has the ultimate authority over planning policy in Ontario. Policy should be written by elected governments.

It's a simple amendment. There's no shame in admitting a mistake. I think the government should recognize the mistake made in the past and do everything in its power to correct it. I hope they see their way fit to do so.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: I'd just repeat what we talked about before. I think this would be best dealt with, and more effectively, in the upcoming review of the Ontario Municipal Board. That's certainly the place where that should be considered.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hardeman.

Mr. Ernie Hardeman: Yes. This is the same as the previous one. This would give the government the right to change Ontario Municipal Board decisions regarding amendments to the official plan if any person or interested party filed a petition asking to have that decision reviewed. The Ontario Municipal Board, as I said earlier, could work better, but the solution to fixing it is not giving the government the ability to overrule it.

The member talked about the comments about how policy should only be passed by elected bodies, but the truth is that one of those elected bodies making the policy is the provincial government. To give that same body the power to overrule the non-elected body in the hearings process would not be appropriate. It would also mean that the parties are going to go to the significant expense of an OMB hearing and producing evidence, only to have a decision changed or overruled, with no protection to ensure that the evidence and facts were even considered.

Currently, if people or an organization disagree with an Ontario Municipal Board decision, they can ask the board to review it. If an error in law has been found to be made, they can ask the Divisional Court for an appeal or judicial review of the decision. I think the suggestion that putting the decisions of land use disputes in the backrooms or in the cabinet rooms of the province as opposed to in the public forum where evidence is being presented is an inappropriate approach, so we will be voting against this resolution.

The Chair (Mr. Peter Tabuns): I see no further discussion. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. Now we go to voting on the section as a whole. Shall section 20, as amended, carry?

Ayes

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

Nays

Hardeman, Martow.

The Chair (Mr. Peter Tabuns): The section, as amended, is passed.

Section 21: There are no amendments. Any discussion on section 21? There being none, shall section 21 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 21 is carried. 1700

We go to section 22. There are no amendments. Any discussion? There being none, shall section 22 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The section is carried.

We go to section 23 and PC motion 48.1. Ms. Martow.

Mrs. Gila Martow: I move that subsections 26(1.1) and (1.2) of the Planning Act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

"Same

"(1.1) The council shall revise the plan no less frequently than,

"(a) 10 years after it comes into effect as a new official plan; and

"(b) every 10 years thereafter, unless the plan has been replaced by another new official plan.

"Same

"(1.2) For the purposes of establishing the 10-year periods mentioned in subsection (1.1), a plan is considered to have come into effect even if there are outstanding appeals relating to those parts of the plan that propose to specifically designate land uses."

The Chair (Mr. Peter Tabuns): Do you wish to comment? Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much, Mr. Chairman. This amendment will change the time period for the official plan reviews to not less than 10 years, which would make it consistent with the new requirements for the provincial policy statements and the new official plans under Bill 73.

A number of municipalities asked for this amendment in recognition of the time and resources required to update the official plan. I think the reason for this amendment is that there's very little difference—in fact, some of the people who presented actually questioned what you define as a new official plan and what you define as an updated official plan.

If that's the case, it would seem to me to be much more sensible that, if it takes as much time and as much resources to review the plan each time, they would wait for the five and then not get it done and then go to the 10 and then have a new plan instead. It would seem to me that it makes more sense to make it all consistent.

A plan review: You have a plan and the number of times you review it. You do it over a 10-year period, the same as the policy statements provincially and the same as the official plan and a new official plan. So let's have it all be consistent: that everything is a 10-year period for the division.

The other thing that would happen too: The two-year freeze that would apply would only apply once over the two terms as opposed to doing it each time you have a time freeze for the development at the start of the five-year period, so you only have three years with no freeze, whereas, if you adopt this amendment, we have a policy that's consistent, whether it's a review or whether it's new or whether we know the difference.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Further comment? There being none, we go to—Mr. Rinaldi?

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Tabuns): My apologies, sir.

Mr. Lou Rinaldi: That's fine. I recommend opposing the motion, Chair, for the reason that the intent of the bill is to incent the comprehensive updates of planning documents. The proposed motion will undermine this intent by extending the review period to 10 years for all official plan updates, including partial updates.

The Chair (Mr. Peter Tabuns): Mr. Hatfield and then Mr. Hardeman.

Mr. Percy Hatfield: Thank you, Chair. I'm so disappointed in the government's response. We listened to the Association of Municipalities of Ontario. We heard their arguments time and time again. We've heard from the planners. They say that the time and expense involved in all of this—they could really use the longer period of time and then allow their planners to get on with other things: real things in their municipality instead of continually updating their official plan.

I just think it's a no-brainer. I applaud the PCs for putting it forward. I just think that this is something municipalities wanted, and again the government is turning a deaf ear.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Mr. Hardeman.

Mr. Ernie Hardeman: I'm very disappointed, obviously, that the government is taking the approach that we're just going to oppose any other suggestions brought forward that we didn't put forward. So far, in every one of these issues, they're agreeing—or they're not disagreeing—that they heard the complaints or the concerns expressed by all the people who presented, but here we are. There wasn't one person who came forward and said, "We think that's a good idea," that there's a difference between creating an official plan and reviewing an official plan—that there's a difference.

Everyone who presented and talked about the review said that they should be consistent. The government says, "Oh, no, no. There's got to be a difference." Why has there got to be a difference? I would just ask the parliamentary assistant if he could identify for me, to help me understand this one, the difference between a review and a new one. When you review your official plan, you start exactly the same process as when you create an official plan. I don't know how you're going to find a difference to say when it's a new plan and when it's a review of a plan.

Now, there are official plan amendments that could be quite extensive. We're not talking about amendments having a five-year lifespan. We're talking about when they look at the official plan: "Time is up. We need to create a new official plan. We need to update our official plan." Now they're going to say, "We have a new one so we don't have to do anything for 10 years." So at the end of eight years, we say, "When this one is done, we're not going to review this one anymore; we're going to have a new one," and then they can go another 10 years. But if they say, "We're going to review this one," no, then you have to do the next one in five years.

It just seems so redundant to say that there's a difference in doing the review of the official plan. I just can't believe that the government is so bullheaded that they won't listen to one thing that people told them in these public hearings. First, they only wanted to listen to each presenter for four minutes so they couldn't tell them anything. Then, when we chained them into having 15 minutes to listen to them, they sat at the meeting but obviously they didn't listen or they would have had some understanding of some of these amendments that are exactly what the people that they're trying to deal with wanted done. I just can't believe that they would just turn a blind eye and say, "Oh, no, no. They don't mean anything. They don't know what they're doing. We know better."

But the parliamentary assistant so far has not been able to tell me the difference between a review and a new plan. If he can't tell the difference, how can we say that one should have a different review period than the other?

I just can't—I don't know—I guess I could go on here for days.

The Chair (Mr. Peter Tabuns): Twenty minutes.

Mr. Ernie Hardeman: But if they are too stubborn to listen, then obviously they're not going to change their mind.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, the committee is ready for the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.
We now go to vote on section 23 as a whole. Shall section 23 carry?

Ayes

Anderson, Hatfield, Malhi, Potts, Rinaldi.

Nays

Hardeman, Martow.

The Chair (Mr. Peter Tabuns): Section 23 is carried.
We go to section 24. There are no amendments. Does anyone want to address section 24? There being no comments, shall section 24 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 24 is carried.
Section 25: We have NDP motion 49.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(0.1) Subsection 34(1) of the act is amended by adding the following paragraph:

“Inclusionary housing

“4.1 Requiring that a specified percentage of housing units in all new housing developments containing 20 or more housing units be affordable, and specifying the percentage.”

1710

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I find that the amendment is outside the scope of the bill as set out by the bill's parameters. I, therefore, rule this amendment out of order.

Mr. Percy Hatfield: I'm sure that's your prerogative. I'm just not sure that the members of the government are up to speed on what inclusionary housing and inclusionary zoning might be. I would ask for unanimous consent to put forward the motion.

The Chair (Mr. Peter Tabuns): I will ask for unanimous consent. I heard a no.

Mr. Percy Hatfield: I am shattered; absolutely shattered, Chair.

The Chair (Mr. Peter Tabuns): I understand, Mr. Hatfield.

We go on now to PC motion 50. Ms. Martow.

Mrs. Gila Martow: I move that subsection 25(1) of the bill be—

The Chair (Mr. Peter Tabuns): No, no.

Mrs. Gila Martow: Sorry. We have to vote first?

The Chair (Mr. Peter Tabuns): We're at 50.1.

Mrs. Gila Martow: I do not have it.

The Chair (Mr. Peter Tabuns): Does Mr. Hardeman have it?

Mr. Percy Hatfield: Do you want mine?

Mrs. Gila Martow: Is it supposed to be here somewhere?

The Chair (Mr. Peter Tabuns): Mr. Hatfield has one there for you, Ms. Martow.

Mrs. Gila Martow: Thank you. I move that subsection 25(1) of the bill be amended by adding the following subsection to section 34 of the Planning Act:

“Same

“(10.0.0.2) For greater certainty, subsection (10.0.0.1) does not prevent a council from initiating its own amendment to a zoning bylaw before the second anniversary of the first day any part of the plan comes into force.”

The Chair (Mr. Peter Tabuns): Any commentary? If there's no commentary, we'll go to vote.

Mrs. Gila Martow: Sure. Do you have commentary? No? It's okay.

The Chair (Mr. Peter Tabuns): Ms. Martow?

Mrs. Gila Martow: Oh, I should go ahead. This amendment would allow municipalities to amend zoning bylaws during the two-year freeze that follows a comprehensive rezoning bylaw. Several municipalities expressed concerns that the clause, as written, which includes “public bodies,” would prevent them from making amendments during the two-year freeze. The Planning Act defines “public body” as “a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation.” If there's no ability to rezone during this time period, it will stifle economic growth in many small communities.

Currently, Bill 73 reads:

“(10.0.0.1) If the council carries out the requirements of subsection 26(9) by simultaneously repealing and replacing all the zoning bylaws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the bylaws before the second anniversary of the day on which the council repeals and replaces them.”

Just some comments from some of the municipalities: The county of Renfrew said, during their presentation, “This has never been an issue in the county of Renfrew, and we do not see the need for this change, which has the potential to delay and even prevent development projects which are needed for growth—I should say, desperately needed for growth.”

In one of their submissions regarding Bracebridge, they said that the section would “have negative consequences on economic development, will impact council's ability to respond to development requests and would have budget implications for the corporation.”

Hamilton said during their presentation, “To provide no avenue through which these sorts of amendments can be made, even when they're supported by planning staff and council, could put a bit of a chill on development, and obviously none of us wants to do that.”

Concerns about the impact of the freeze have been raised by AMO, the county of Renfrew, Ontario Home Builders' Association, Ontario Professional Planners Institute, Bracebridge, Owen Sound, the township of

Admaston/Bromley, city of Vaughan, Timmins Chamber of Commerce, Greater Sudbury Chamber of Commerce, Thunder Bay Chamber of Commerce, the town of Whitby, the city of Hamilton, and other organizations.

It's apparent that the municipalities are very concerned. It's very important, and I think what the public wants is to see the different levels of government working together. What is the point of having them come and do their submissions if we're not hearing their collective voices?

The Chair (Mr. Peter Tabuns): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I'm recovering from being shattered on the last vote.

I love the concept. I fully support the concept on this, but I've looked ahead—not putting the cart before the horse—and the government motion coming up on 51 does everything we're talking about here, but is a better motion. So I'll oppose this one and I'll support the government motion coming up after this vote.

The Chair (Mr. Peter Tabuns): Further commentary? Ms. Martow.

Mrs. Gila Martow: Maybe if the government motion is very similar to our motion with regard to the same section, it should be put before an opposition—no? That just doesn't work that way?

The Chair (Mr. Peter Tabuns): They're putting them as they come in.

Mrs. Gila Martow: Okay; just a comment because I find it interesting.

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Again, I know that the intent of the next resolution is exactly the same thing, which is to allow municipalities to take action that lifts the freeze. The one difference between the two is the ability of a municipality in the next resolution—and I don't know whether we can debate one amendment against the other, but the intent is that they can specifically, by resolution, move forward with one application but not necessarily have to apply it across the board to others too for the same purpose.

I think that generally in a planning document that's not a positive when you can treat one person differently than another. If I come in and ask for an application and they say, "It's in the two-year freeze, but by resolution we can allow that application. We'll just allow that one," and then to my brother who has been having some difficulties with the municipality in the past, they say, "Oh, no, no. You can't get that application because we have to pass a resolution and we won't do that."

That's some concern, but I've seen from the government actions so far during these hearings that they're going to pass the second one and not the first one, so I'll say no more.

The Chair (Mr. Peter Tabuns): I see no further comment. The committee is ready to vote?

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go to government motion 51: Mr. Potts.

Mr. Arthur Potts: I move that section 25 of the bill be amended by adding the following subsection:

"(1.1) Section 34 of the act is amended by adding the following subsection:

"Exception

"(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally."

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Potts.

Mr. Arthur Potts: Yes. I would just like to say, in reference to the previous motion: Of course we listened. We listened very carefully to municipalities that come forward. Where there has been an opportunity to make a change, we're happy to make it if it improves the bill.

The Chair (Mr. Peter Tabuns): Any further commentary? Ms. Martow.

Mrs. Gila Martow: I would just comment on that and say: Can you imagine that if, on every vote that we give here in these committees, we have to submit why we voted that way—how time-consuming that would be? That's basically what we're asking of the councils.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Hardeman?

Mr. Ernie Hardeman: Just in relation to the member opposite's comment that you're going to give consideration when someone wants something done, are you suggesting that this resolution would—once you make that consideration, if someone asks for the opening of a zoning bylaw to allow a change in the zoning bylaw in the first two years, it would then become blanket for other people to get the same consideration?

Mr. Arthur Potts: I don't intend to enter into a debate on it at the moment, but the fact is, this gives the flexibility that the municipalities were asking for. We listened, and we've made the amendment as such.

The Chair (Mr. Peter Tabuns): No further commentary? The committee is ready to vote?

Ayes

Anderson, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to government motion 52: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 34(10.9) of the Planning Act, as set out in subsection 25(2) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice of refusal

“(10.9) When a council refuses an application to amend its bylaw, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Again, it’s hard to oppose a resolution like this. But after relating it to the last motion, and then the answer to my question was that it’s exactly what they asked for, I wonder if we had anybody asking for this one.

The Chair (Mr. Peter Tabuns): Is there any further commentary? There’s none. It looks like we’re ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

Mr. Percy Hatfield: A word, Chair?

The Chair (Mr. Peter Tabuns): Mr. Hatfield?

Mr. Percy Hatfield: I don’t know if it’s a point of order or not, but I would request that we take a five-minute recess.

The Chair (Mr. Peter Tabuns): Unanimous consent? People are agreeable to a five-minute recess?

Interjection: Sure.

The Chair (Mr. Peter Tabuns): Agreed.

The committee recessed from 1721 to 1728.

The Chair (Mr. Peter Tabuns): The committee is back in session.

We now go to PC motion 53: Ms. Martow.

Mrs. Gila Martow: I move that subsection 34(10.10) of the Planning Act, as set out in subsection 25(2) of the bill, be struck out and the following substituted:

“Contents

“(10.10) The notice under subsection (10.9) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision.

“Same

“(10.10.1) The notice under subsection (10.9) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Gila Martow: Sure. You go ahead.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would address the concerns raised by municipalities that reporting the impact of oral submissions to planning decisions, as laid out in Bill 73, may not be feasible.

A number of municipalities raised concerns about this clause, such as the resources required to record oral submissions, as well the city of Toronto pointed out that they deal with thousands and thousands of applications every year and there may be multiple reasons that councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of written and oral submissions simply isn’t feasible.

Obviously this is exactly the same thing again as those other motions. The parliamentary assistant was a municipal councillor, as I was, prior to coming here. At a council meeting, when you have your discussions, you talk about the motion and the issues before you and then you come to a decision. When the minutes of the meeting come out, the recording on what the meeting had, the Municipal Act is quite clear that it says that the clerk shall prepare the minutes “without note or comment.” In other words, the individual discussions are not part of the process at all because it’s only the action that is recorded in council minutes.

Bill 73 is asking that we ask that same clerk of the committee to actually record not only the oral discussions but what part of those oral discussions had an impact on the councillors’ decision to vote the way they did. I think he would have to agree that that’s just not a feasible way of dealing with keeping track of how people make their decisions.

Again, I put it out there in the nicest possible way to get him to look at it and say, “This isn’t practical to have municipalities, committees of adjustment, planning committees, advisory committees, whatever it is—that the clerk of the meeting must then interview each person. They heard what the audience said, but they have to record those add-ins that the audience said and record whether they had an impact on the decision of the individual voter.”

If it was an hour-long meeting, it’s quite possible that, of the five people who were making the decision, at the end of that hour not one of them had any similarities in which ones made them decide the way they voted. All of them could have a totally different reason. What was the positive to the public or to the transparency of the process for everybody to know what drove them? Everybody who was at the meeting knew what was said. Which one people picked on to use as to why they voted the way they did was totally irrelevant at the end of the decision.

I would hope that they would at least see their way clear to support something like this, to make it more practical for municipalities to make their decision.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Is there any further discussion? Ms. Martow.

Mrs. Gila Martow: This has come up a couple of times, and I’ve been trying to think of who this would benefit because it certainly would make life complicated. As I said perfectly seriously before, can you imagine if at our committee meetings here, every time we vote, we then had to—the Clerk—poor Valerie would have to interview us and ask us why we voted that way and which discussions affected our vote? It just sounds like a

bunch of journalists interviewing somebody, and it's very subjective.

All I can think of are political rivals. Very often at council meetings a lot of the people who are there, we all know, would be council members or people with an axe to grind, people with a chip on their shoulder, and this would just give them a field day in terms of attacking whoever is on council.

I think that once somebody is elected to be on council and to represent their community, they have to answer to the voters in a few years. Voters can—if they want to question a councillor on why they voted a certain way, they can always email them, they can phone them, they can meet with them. But to actually demand and record I think is very cumbersome, and I would just ask the government why they think this is necessary.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. As a former journalist, I take exception to the “bunch of journalists” phrase. I would much prefer a “scrum of journalists.”

Mrs. Gila Martow: Okay. Sorry.

The Chair (Mr. Peter Tabuns): Fair enough. Any other commentary? There being none, we can go to the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to NDP motion 54.1; 54 has been replaced by 54.1.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(3.1) Subsection 34(11) of the act is amended by striking out ‘120 days’ and substituting ‘240 days’.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mr. Percy Hatfield: Very briefly, it just extends the time period for municipalities to make a decision with respect to a zoning bylaw before the applicants can go to the OMB. Some decisions require more time, and they need more time to get all their ducks in a row.

The Chair (Mr. Peter Tabuns): Any other commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chairman. Again going back to putting great stock in what the public told us when we had our presentations, I don't remember that that was a big issue: that the timelines were not long enough for getting these applications through. It's important to do whatever we can to make the system work more efficiently and effectively so when somebody is needing to get a rezoning, it can be done in as short a period of time as possible. I think that 180 days is a long

time, so I think that we should leave it at 180 days. I'll not be supporting this resolution.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. I don't see any other commentary. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We now go to government motion 55: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 34(18) of the Planning Act, as set out in subsection 25(7) of the bill, be struck out and the following substituted:

“Notice of passing of bylaw

“(18) If the council passes a bylaw under this section, except a bylaw passed pursuant to an” other “of the municipal board made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the bylaw is given in the prescribed manner, no later than 15 days after the day the bylaw is passed,

“(a) to the person or public body that made the application, if any;

“(b) to each person and public body that filed a written request to be notified of the decision; and

“(c) to any prescribed person or public body.”

The Chair (Mr. Peter Tabuns): Mr. Rinaldi, before you proceed further: When you were reading out this motion, under number 18, the wording here we see is “pursuant to an order of the municipal board,” and what we heard up here was “pursuant to an other of the municipal board.” Just for clarity, you did mean “order,” correct?

Mr. Lou Rinaldi: Yes, I did, Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you. Do you have any commentary?

Mr. Lou Rinaldi: This is really a technical change to provide for the consistency of giving a decision notice as part of the modernization of giving notices, and this aligns with other legislative provisions, Chair.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Any further commentary? Mr. Hardeman?

Mr. Ernie Hardeman: Yes, Mr. Chairman. Again, we will be supporting this amendment as it's an amendment that's trying to improve the system to make it more effective and efficient. I think anything that we can do to do that, to make the system work better, we support.

The Chair (Mr. Peter Tabuns): Seeing no further discussion, we're ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to PC motion 56: Ms. Martow.

Mrs. Gila Martow: I move that subsection 34(18.1) of the Planning Act, as set out in subsection 25(7) of the bill, be struck out and the following substituted:

“Contents

“(18.1) The notice under subsection (18) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision.

1740

“Same

“(18.1.1) The notice under subsection (18) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Do you have any commentary?

Mrs. Gila Martow: Do you want me to go ahead?

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: Again, Mr. Chairman, this is another one. This is an amendment that would address the concerns raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out in Bill 73, just may not be feasible.

After all this, I'm convinced that it's not feasible. A number of municipalities raised concerns about this clause, such as the resources required to record them, as well as the city of Toronto saying that they deal with thousands of applications every year and there may be multiple reasons why councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of written or oral submissions simply isn't feasible.

I'm sitting here thinking, as I'm going through this over and over again, that I can't understand why, if it was so important in the Planning Act that we have to record what's on the minds of the people who are voting so we can tell the world to make sure that they understand the voter as opposed to the decision, we would have that in the Planning Act but we didn't do that in the Municipal Act.

Why is it that council can actually pass a resolution to remove the two-year freeze that the province is putting on the application in this bill? They can do that and they don't have to record why they're doing that. The clerk doesn't have to ask each member, “Do you have any personal connection that made you want to do this? Do you know who this person was who asked you to remove that freeze? Why did you vote that way?” No one asks. You just vote the way you deem it appropriate.

Now all of a sudden in this part of the bill where they're making decisions because it was held in a public forum, the clerk has to find out how they made the decision, not the decision they made. There's no question

when they voted yes or when they voted no. They themselves know why and they're recording how they voted.

It's like right here today, when you call the vote on this motion, Mr. Chairman. It's like the Clerk asking, when the hands go up on the other side, “I want to know what was on your mind. What was it that made you decide to vote the way you did on this motion?” Would that be appropriate? I know the answer is going to be because Lou told you to. That's going to be the answer because that was the only—you may have noticed that each time that the parliamentary assistant speaks, he starts off by saying, “I think we will be voting against this motion,” and that tells everybody how they're going to vote. Do you really think it's important that we put that in the minutes of this meeting? We just did.

But why would you put that in the meeting for others when we think it's ludicrous for us to do it here? Again, that's why I think—one more chance—you can support this motion and do the right thing for municipalities.

The Chair (Mr. Peter Tabuns): Further commentary? Seeing none, we're ready to go to the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 57: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 25 of the bill be amended by adding the following subsection:

“(8.1) Subsection 34(20) of the act is amended,

“(a) by striking out ‘subsection (19)’ in the portion before clause (a) and substituting ‘subsections (11.0.3) and (19)’; and

“(b) by adding the following clause:

“(a. 1) where notice is given by email on the day that the sending by email of all required notices is completed.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Amrit Mangat: I support this motion.

The Chair (Mr. Peter Tabuns): Fair enough. Any others? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chairman. This is another one. I guess if we look at it, it is just another housekeeping one to facilitate the use of more modern technology as to how we deal with email notifications and so forth. In keeping with the restrictions, I guess I have to say that it wasn't the reading of the motion that made me want to vote this way, but the fact that it is doing something to speed up the process. I will be voting in favour of it and that's why.

If that could just be recorded in the minutes.

The Chair (Mr. Peter Tabuns): I'm sure it will be—in the Hansard, at least. Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Just to clarify on the previous comments from the member opposite, everything is recorded here so people have an opportunity to read word-by-word what we say.

The Chair (Mr. Peter Tabuns): That being said, we're ready for the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to NDP motion 58: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(12) Section 34 of the act is amended by adding the following subsections:

“The L.G. in C. may confirm, vary or rescind orders

“(35) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(36) Any party or person who has filed a petition under subsection (35) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hatfield.

Mr. Percy Hatfield: Very briefly, Chair, it's an important amendment. I believe that policy should be written by elected governments. I know the Liberals used to have the power to overturn decisions of the OMB upon petition, but gave it up in 2009. I think it's an important amendment to restore the government's powers to have that ability to overturn OMB decisions upon petition with respect to zoning bylaws.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any other—Mr. Rinaldi.

Mr. Lou Rinaldi: My comment is the same as in the past, same as this motion, Chair. I think this is a concern to be considered under the Ontario Municipal Board review that's upcoming.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hardeman.

Mr. Ernie Hardeman: I agree with the parliamentary assistant. I think it's important that if the way that the OMB operates, in the opinion of Mr. Hatfield, is over-

riding the documents that the municipality used in their process of making their decision, the parameters of the scope of their authority should be changed within the review of the Ontario Municipal Board, not by saying that the minister can override them and totally make them—I guess the right word is “useless.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. I see no other commentary. Committee is ready to go to the vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

Now we go to vote on the section as a whole. Shall section 25, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 25, as amended, is carried.

We go to section 26. We have no amendments. Any commentary on section 26 before we go to the vote? There being none, shall section 26 carry?

Mr. Ernie Hardeman: Chair?

The Chair (Mr. Peter Tabuns): My apologies. Mr. Hardeman?

Mr. Ernie Hardeman: Section—

Mr. Percy Hatfield: Section 26.1.

Mr. Ernie Hardeman: Oh, okay. Excuse me. I see the next one is 26.1. I thought it was in 26.

The Chair (Mr. Peter Tabuns): No, it is not.

Mr. Percy Hatfield: But thank you for the support.

Mr. Ernie Hardeman: No, I wasn't supporting, I was just calling it into question.

1750

The Chair (Mr. Peter Tabuns): Shall section 26 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 26 is carried. NDP motion 59.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“26.1 The act is amended by adding the following section:

“Inclusionary housing bylaw

“37.1(1) The council of a local municipality may, in a bylaw passed under section 34,

“(a) require that a specified percentage of housing units in all new housing developments containing 20 or more housing units be affordable; and

“(b) specify the percentage.

“Condition

“(2) A bylaw shall not contain a requirement described in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to inclusionary housing requirements.

“Bylaw applies to all developments

“(3) A bylaw described in subsection (1) applies regardless of whether a new housing development requires amendments to an existing bylaw or not.

“Incentives

“(4) The existence of a bylaw described in subsection (1) does not require the municipality to provide any financial assistance or other incentives to developers.

“Agreements

“(5) If a municipality has passed a bylaw described in subsection (1), the municipality may require the developer of a new housing development containing 20 or more housing units to enter into one or more agreements with the municipality dealing with affordable housing requirements in the development.

“Agreement re: affordability

“(6) Without restricting the generality of subsection (5), an agreement entered into under that subsection may restrict the ownership and occupancy of affordable units to eligible persons.

“Registration of agreement

“(7) Any agreement entered into under subsection (5) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the developer and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

“Regulations

“(8) The Lieutenant Governor in Council may make regulations dealing with the following matters in connection with affordable housing units that are required by bylaws described in subsection (1):

“1. The number of bedrooms in the affordable units.

“2. The size of affordable units.

“3. The timing of the construction of the affordable units.

“4. The location and distribution of the affordable units.

“5. The design and construction standards required for the affordable units.

“6. The eligibility requirements for ownership and occupancy of affordable units.

“7. Alternative methods for satisfying inclusionary housing requirements, including but not limited to payment of fees in lieu and the provision of land.

“8. Such other matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the provision of inclusionary housing.”

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I'm sorry to say that I find the amendment is outside the scope of the bill as set out by the bill's parameters. I therefore rule this amendment out of order.

Mr. Percy Hatfield: Oh, Chair, you know as well as the government that there's an affordable housing crisis in Ontario. There are 168,000 households on a waiting list. That waiting list is on an average of four years for people to get into affordable housing.

The Chair (Mr. Peter Tabuns): I understand that, Mr. Hatfield.

Mr. Percy Hatfield: But, Chair, you would think the government would seize the first available opportunity to use one of the tools in the tool box, such as inclusionary zoning—

The Chair (Mr. Peter Tabuns): You can ask for unanimous consent to let it go forward.

Mr. Percy Hatfield: I ask my members opposite and alongside for unanimous consent to allow this argument to be put forth this afternoon.

The Chair (Mr. Peter Tabuns): I heard a no.

Mr. Percy Hatfield: I heard more than one. I'm deeply shocked.

The Chair (Mr. Peter Tabuns): Unfortunately, your motion is out of order.

We are running out of time. We'll just go to section 27. We have no amendments. Is there any commentary on section 27? Ms. Martow.

Mrs. Gila Martow: I just wanted to make a very quick comment that I think we're all looking forward to Cheri DiNovo's private member's bill which will address a lot of these concerns.

The Chair (Mr. Peter Tabuns): Thank you, and on—

Mr. Percy Hatfield: Chair, you can't let that go—a point of order.

The Chair (Mr. Peter Tabuns): I can, because I'm on another section, Mr. Hatfield.

We're on section 27. Any commentary on section 27? There being none, shall section 27 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 27 is carried. Colleagues, we're just about out of time—

Mr. Lou Rinaldi: Chair?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I would ask for unanimous consent to carry on.

The Chair (Mr. Peter Tabuns): Apparently, Mr. Rinaldi, even with unanimous consent, we've been given instructions by the House and we can't overrule those.

Mr. Lou Rinaldi: Ah, okay. I accept.

The Chair (Mr. Peter Tabuns): You accept? I ask, is the committee in agreement to meet on Monday, November 30, 2015, to continue clause-by-clause consideration of Bill 73? I have to say to all of you, we have been given time allocation by the House to consider Bill 115 next Monday.

Mr. Lou Rinaldi: How does that work, Chair?

The Chair (Mr. Peter Tabuns): November 30 is the earliest date that we can come back on this.

Mr. Lou Rinaldi: Sorry, I missed that.

The Chair (Mr. Peter Tabuns): Is the committee in agreement to meet on Monday, November 30, 2015, to continue clause-by-clause consideration of Bill 73?

Mr. Lou Rinaldi: So what happens next Monday?

The Chair (Mr. Peter Tabuns): We go to Bill 115, as we've been directed by the House. If you want to change that, the House leaders, I'm sure, can discuss this.

Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, is it possible, after the Clerk knows that in fact there's an order to have

the committee review another bill, that we can meet to do this one?

The Chair (Mr. Peter Tabuns): Apparently, we can set a date to meet—that would be November 30—but we can't meet next Monday because Monday and Tuesday have already been set by the House.

Mr. Ernie Hardeman: I would suggest that we pass a motion that we meet at the earliest convenience that can be arranged. It may very well be able to be next Monday.

The Chair (Mr. Peter Tabuns): Currently, that is November 30, but I can ask the parliamentary assistant to talk to the House leader and see if an arrangement can be made between the House leaders on this matter.

Mr. Lou Rinaldi: Absolutely.

The Chair (Mr. Peter Tabuns): Pending that, I see that you would be agreeable to November 30 and, if possible, maybe an earlier time.

The committee is adjourned until 2 p.m. on Monday, November 23, 2015, to consider Bill 115.

The committee adjourned at 1757.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 23 November 2015

Journal des débats (Hansard)

Lundi 23 novembre 2015

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Comité permanent de la politique sociale

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 23 November 2015

Lundi 23 novembre 2015

The committee met at 1401 in room 151.

ELECTORAL BOUNDARIES ACT, 2015

LOI DE 2015 SUR LES LIMITES
DES CIRCONSCRIPTIONS ÉLECTORALES

Consideration of the following bill:

Bill 115, An Act to enact the Representation Act, 2015, repeal the Representation Act, 2005 and amend the Election Act, the Election Finances Act and the Legislative Assembly Act / Projet de loi 115, Loi édictant la Loi de 2015 sur la représentation électorale, abrogeant la Loi de 2005 sur la représentation électorale et modifiant la Loi électorale, la Loi sur le financement des élections et la Loi sur l'Assemblée législative.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're here to consider Bill 115, An Act to amend the Representation Act, 2015, repeal the Representation Act, 2005 and amend the Election Act, the Election Finances Act and the Legislative Assembly Act.

Each presenter will have up to five minutes for their presentation, followed by up to nine minutes of questions from committee members, which will be divided equally among the three parties, with rotations starting with the official opposition.

MR. GREG ESSENSA

The Chair (Mr. Peter Tabuns): Our first presenter is Mr. Greg Essensa, Chief Electoral Officer, Elections Ontario. Welcome.

Mr. Greg Essensa: Thank you.

The Chair (Mr. Peter Tabuns): And if you'd introduce yourself for Hansard, and we'll go from there.

Mr. Greg Essensa: Good morning. My name is Greg Essensa. I'm Ontario's Chief Electoral Officer. I'd like to begin by thanking Mr. Tabuns and all members of the committee for inviting me today to speak in respect of Bill 115, the Electoral Boundaries Act, 2015.

As you are aware, I have been advocating for a new redistribution process since 2009. Today, I will be outlining why an updated electoral map is necessary for Ontario, the scope of work that will need to be completed before the 2018 general election and the urgency of

passing this bill soon because the window for implementation is closing.

Ontario's electoral boundaries law was last updated in 2005. Since that time, Ontario's population has changed significantly.

The Chair (Mr. Peter Tabuns): Mr. Essensa, could you speak closer to the microphone? Thank you.

Mr. Greg Essensa: Sure. According to Ontario's Ministry of Finance, our population is expected to rise by almost 33% in the next 25 years. That is an increase from approximately 13 million people in 2011 to nearly 18 million people by 2036. The GTA is the fastest-growing region. It is expected to attract 2.8 million people, effectively doubling its current population.

These demographic realities must be taken into account by our current laws. Section 3 of the Canadian Charter of Rights and Freedoms guarantees our right to vote, which includes the right to "effective representation," according to the Supreme Court of Canada. Electoral boundary laws must provide citizens with effective representation by protecting the "relative parity of voting power" while taking into account other factors like geography, history, community interests and minority representation. This means that when an electoral map is drawn, the population size of each electoral district should be reasonably similar. Generally, the courts have allowed a variance of not more than 25% above the average district population.

Given the principle of effective representation and the populations we have seen, and will see, it is imperative that Ontario update our electoral map. If this bill is not passed, we may be at risk of having our existing map challenged in court because it does not currently reflect voter parity. Let me show you how by using a practical example.

The district of Oak Ridges–Markham has the largest population in the province. It has experienced tremendous growth in the last 10 years and now has a population of just over 243,000 people. The average district population in Ontario is about 128,000. Oak Ridges–Markham, therefore, exceeds the average population size by 89%, well beyond the 25% threshold that the courts find is reasonable. And this is not the only example.

It is cases such as Oak Ridges–Markham that can leave Ontario vulnerable to a charter challenge. For Ontario to have a healthy democracy and to be in compliance with our charter, I strongly believe that redis-

tribution is needed now to address the population disparities between electoral districts.

For most of the last two decades, Ontario's provincial boundaries have been aligned with its federal boundaries. My written submissions explain how this worked.

The timeline for passing redistribution legislation is becoming critical. It is important that this committee and all members are aware of the scope of work Elections Ontario, political parties and constituency associations will need to complete after the legislation is passed and before a general election can be held.

Parties need to work with their affected candidates to determine in which district they will run. Parties also need to work with their constituency associations to determine which ones need to be dissolved and where new constituency associations need to be created. Elections Ontario will need to work closely with parties to support them through this process and assist them in understanding the significant financial reporting obligations that accompany this process.

Additionally, Elections Ontario will need to develop all new map and list products, manage the recommendation process for appointing new returning officers for the new boundaries, while at the same time maintaining the slate of current returning officers in the current boundaries in the event of a by-election. This work means that legislation needs to be passed soon to be ready for 2018.

Before I conclude today, I do want to mention something that I believe is missing from Bill 115. In my report after the last election, in addition to recommending that Ontario needs to address the current redistribution problem, which Bill 115 does, I have also recommended that Ontario should have a regularly scheduled process for evaluating electoral boundaries. Since we delinked in 2005 from following the federal redistribution schedule, Ontario is the only province in Canada that does not have a regularly scheduled process for reviewing these boundaries.

The Chair (Mr. Peter Tabuns): Mr. Essensa, I'm very sorry to say that you've run out of time.

Mr. Greg Essensa: Okay.

The Chair (Mr. Peter Tabuns): It may be that one of the parties will ask you to expand on those last comments.

Mr. Greg Essensa: No problem.

The Chair (Mr. Peter Tabuns): To the official opposition: Mr. Miller.

Mr. Norm Miller: Thank you very much, Mr. Tabuns. That's an excellent suggestion. So, please, finish your presentation.

Mr. Greg Essensa: Sure. Thank you. I'm very close to finishing.

Ontario's population will continue to grow and shift. Establishing a regularly scheduled process for reviewing the boundaries will allow Elections Ontario to find efficiencies in the process by making it predictable. This predictability will help us secure strong leadership in the field, and it will also help reduce the appearance of partisanship if the process is regularized.

I thank you for the opportunity to present to you and I'd more than welcome any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Miller, please.

Mr. Norm Miller: Thank you for your presentation. It sounds like you have a bit of a cold or something and—

Mr. Greg Essensa: Sorry, just a—

Mr. Norm Miller: Ms. Martow's in the same situation. I thought she was just whispering to me to be polite—

Mrs. Gila Martow: Or sounding very sexy.

Mr. Norm Miller: That's as loud as she can get, so she handed me a question written out to ask, so I shall read her question.

Since the boundary changes for the province follow the federal changes, were you given an offer to give input when the feds were deciding their changes?

Mr. Greg Essensa: I was actually invited to Ottawa for the kickoff of the boundary commissions in Ontario, and I spent two days with Elections Canada and actually the three commissioners who oversaw the federal redistribution process. So I did have an opportunity to consult with them and discuss with them.

During the process, my office was in consultation with them as they were going through their redistribution process, so we did have an opportunity to have some consultations with them.

Mr. Norm Miller: Okay. And you mentioned a couple of times that the timing is critical. So what is the date by which you have to have the bill passed?

Mr. Greg Essensa: Well, the current legislation anticipates or puts in place a calendar whereby, by March 1, 2016, constituency associations may be dissolved. It also sets the calendar and the timeline for new constituency associations to be established.

There's a considerable amount of work for Elections Ontario to do as well in the remapping process, as well as guiding the parties and the constituency associations in their reporting requirements, because when a constituency association dissolves, they have fairly onerous reporting requirements to us. Elections Ontario's job is really to track the money and the assets and liabilities. So if you consider three constituency associations now becoming four—how that money is divvied up, where it goes—our job is to help the parties and the constituency associations meet their financial obligations in reporting that to us so there's clear transparency on that.

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Mr. Norm Miller: March 1, 2016: So you really do need this passed very quickly—

Mr. Greg Essensa: It is our recommendation, yes.

Mr. Norm Miller: —to be able to accomplish that.

I guess I'm interested in a couple of other things. You talked about, obviously, having—

The Chair (Mr. Peter Tabuns): I'm sorry to say, Mr. Miller, but your time has come to an end.

Mr. Norm Miller: Oh, okay.

The Chair (Mr. Peter Tabuns): We'll go to Mr. Singh.

Mr. Jagmeet Singh: I just have to say, Mr. Chair, it's very kind, the way you provide that time update. It's much appreciated.

Thank you very much for being here, sir. A couple of quick questions. One is the issue that you touched on—I think it's an important issue—the fact that there are people who are not getting the representation that they ought to get because of their population. There are areas like Oak Ridges–Markham that you mentioned. I know in the Peel region there are also quite large ridings. I know Brampton West is probably the second-largest after Oak Ridges–Markham, and I know my riding is also quite large. So it's an issue of representation.

One of the things you talked about was making the process more systemized, making it something that happens in a more regular manner so that it's not seen as partisan. Can you just expand on that? I think it's a great point.

Mr. Greg Essensa: I think it's important for all members of the assembly to put in place a practice that cannot be disputed as being partisan. One of the things that I think is really important for the assembly to consider is establishing in this bill a go-forward position so that after the next decennial StatsCan update and the feds' move to their next redistricting and redistribution process, here in Ontario, we have something that's already established in law. Whether that's you establishing our own commission here in Ontario or whether you're going to continue following the federal boundaries, I just think it's important for the assembly to establish that beforehand, because then it allows for a more predictable timetable under which Elections Ontario, political parties and constituency associations know how they're going to morph themselves as Ontario's population continues to grow.

Mr. Jagmeet Singh: I've got two quick questions; the answers might not be as quick. One is that Ontario is one of the few provinces where the boundaries mimic exactly the federal boundaries, with the exception of the north. Other provinces have completely different electoral boundaries for their provincial seats. Any input on why that's the case and why Ontario went in that direction?

Mr. Greg Essensa: From a public policy perspective, I can't comment on why they chose that. I can tell you that, from an administrative perspective, it is easier. It is something that I actually support because I do fundamentally believe that electors should be treated as consistently as possible. So if an elector goes out the door to turn right to the community centre for a federal election, they should go out the door and turn right to the community centre for a provincial election. There's a commonality of approach, and I think for both political parties and for electoral administrators, when there is consistency of the actual physical districts, it's easier for us to manage—from returning officers, from staff, from choosing of voting locations. I think that consistency will also prompt familiarity for the electors themselves.

Mr. Jagmeet Singh: I may not have time for this last question, but a question on—when we were providing

input to the new electoral boundaries, we weren't able to talk about growth. There were going to be changes within a year or two that would have impacted the riding size. That wasn't a factor—

The Chair (Mr. Peter Tabuns): Mr. Singh, I'm sorry to say, you're out of time.

Mr. Jagmeet Singh: No worries. Thanks.

The Chair (Mr. Peter Tabuns): We go to the government: Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Good afternoon, Mr. Essensa.

Mr. Greg Essensa: Good afternoon.

Mr. Lorenzo Berardinetti: I guess I'm picking up a little bit from my colleague Mr. Singh from the NDP. So it's cost-effective, would you say, to mirror the ridings that are there federally—except for the one in the north—instead of setting up a whole new Ontario commission?

Mr. Greg Essensa: It's definitely, from Elections Ontario's perspective, cost-effective. Effectively, we've already been in contact with Elections Canada. We have the GIF files of the maps; we have a lot of that information, so when this bill is passed, we can effectively piggyback on the work that they've already done. So yes, it is cost-effective from our perspective.

Mr. Lorenzo Berardinetti: Okay. And also, the only thing that really changes is adding one riding in northern Ontario. We have our own reasoning, the Liberals and the government. Can you explain why you want—is that okay, in your view, to have one more extra seat in northern Ontario?

Mr. Greg Essensa: From my perspective as the Chief Electoral Officer, that's truly a political or an assembly question, to be perfectly honest. As far as the administration, we have, obviously, all of the metes and bounds for those 11 ridings. We have the returning officers in place. It's very little change for us whatsoever, so it does make it somewhat easier for us to maintain those 11.

Mr. Lorenzo Berardinetti: Thank you. The other question I wanted to ask you is the engagement of youth. This bill also talks about pre-registering voters at a younger age. Can you just give your thoughts on that? I just wanted to know what you thought about that.

Mr. Greg Essensa: Sure. After the 2014 election, one of my recommendations to the government and to the assembly was the consideration of providing provisional updates on 16-year-olds and 17-year-olds to our database, so that we can actually begin to communicate with them on the importance of voting, on the importance of our democracy, on a healthy civil society that is actually engaged in its electoral process. So when those individuals turn 18, they've been fully versed and well-immersed in the importance of voting. We can provide information to them on a regular basis and, in fact, once they turn 18, we can encourage them to become active, engaged citizens who are voting on a regular basis.

All of our studies have shown that if someone votes when they turn 18, we likely have them as a voter for life. If they don't vote when they turn 18, we likely miss them for upwards of five to 10 years.

Mr. Lorenzo Berardinetti: Thank you. The time, Mr. Chair?

The Chair (Mr. Peter Tabuns): You have 30 seconds.

Mr. Lorenzo Berardinetti: Thirty seconds? It was an excellent presentation, so I thank you very much. My question will take too long for you to answer, so I'll ask you later.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Essensa.

Mr. Greg Essensa: Thank you to the members of the committee.

MR. ALAN HALL

The Chair (Mr. Peter Tabuns): Our next presenter is Mr. Alan Hall.

Mr. Hall, as you've seen, you have five minutes to speak and they've got up to nine minutes to ask questions. If you would introduce yourself for Hansard.

Mr. Alan Hall: Good afternoon. Thank you for the opportunity to appear before you this afternoon. My name is Alan Hall. I'm appearing as a private citizen, but this is a subject area that I'm quite familiar with and quite interested in. I worked as a researcher for Elections Ontario for six years many, many years ago. I also worked for provincial boundaries commissions in Alberta and Nova Scotia, so this is an area that I know quite well.

There are six points that I've laid out in the written submission that I've submitted. The first one is regarding how the boundaries in northern Ontario should be designed. Bill 115, similar to Bill 214 from 10 years ago, would just keep in place the existing provincial boundaries, which were actually the federal boundaries set in 1996. Even though there have been municipal boundary changes in northern Ontario, there has been no review of those boundaries in 20 years.

My first point is that there should be something in place where people in northern Ontario can help make representations to suggest any changes that should happen to their provincial riding boundaries.

Points 2 and 3 regard changes that—I'm suggesting them rather than recommending them, because I think it's not really my place to set new boundaries. I've found several parts in northern Ontario where I think that a commission or commissioner should review to see if there's a way that the boundaries can be adjusted to better represent communities of interest and municipal boundaries. Actually, two of the ones on my list here were mentioned by Mr. John Vanthof, the member for Timiskaming—Cochrane, when he spoke on the bill in the Legislature a few weeks ago.

Four of them involve municipal boundaries, where the provincial riding cut into them, I guess you could say. The other nine regard parts of northern Ontario where, because of transportation links, there may be a better solution to which riding an area should belong.

Finally, one thing that was just touched on by Mr. Essensa is that the courts have detailed a 25% limit—I

guess you could say threshold—for representation in terms of making sure that populations are as equal as possible, but still allowing for special circumstances: geographic, transportation, communities of interest etc.

One of the issues is that if Bill 115 is put in place, there will actually be nine out of the 122 seats that are beyond this 25% limit: one in southern Ontario, Brantford—Brant; and eight in northern Ontario, including Sault Ste. Marie and Nipissing, which are not necessarily very large ridings or ridings that have a lot of rural territory, as compared to other ridings such as Algoma—Manitoulin, Kenora, Timmins etc.

1420

Also, northwest Ontario: One thing that is noticeable is that even though provincially northern Ontario has one more seat than it has federally, the federal riding of Kenora is much smaller than Kenora—Rainy River, the provincial counterpart. I'm suggesting that that's one area where some consideration should be given to keeping the federal and provincial boundaries in sync.

The last two points deal with, I guess you could say, technical changes in the law. One is regarding electoral district name changes. In the previous Representation Act, there was a section that, if a federal and provincial riding shared the same boundaries and the name was changed federally, it would also be changed provincially. I believe that should be included in the new law.

The other part is that schedule 1 of Bill 115 has boundary descriptions for each of the 11 ridings in northern Ontario, but there's no definition of what those boundaries mean.

The Chair (Mr. Peter Tabuns): Mr. Hall, I'm sorry to say that you've run out of time. We'll go to the first questioner, Mr. Singh, with the third party. Mr. Singh?

Mr. Jagmeet Singh: Sure. If you want to use some of my time for questions to finish your presentation, I'd be happy to—

Mr. Alan Hall: I'm actually finished. I was just saying that there should be legal descriptions at the start of schedule 1.

Mr. Jagmeet Singh: Okay. As New Democrats, we support maintaining the current riding distribution in the north to ensure that northern Ontarians have a strong voice. But I do agree, as my colleague from the New Democratic Party from the Timiskaming region talked about, that for some of the ridings, the boundaries just don't make sense geographically. He talked about a couple of areas. Do you think this is something that's important for us to address so that communities can be linked more accurately geographically?

Mr. Alan Hall: I think so. I think that if you could just have some process where some of these suggestions, some of these ideas could be brought forward so that the boundaries could reflect what the people in northern Ontario want today—not necessarily what federal boundaries they wanted 20 years ago.

Mr. Jagmeet Singh: That's a good point. We heard earlier from the Chief Electoral Officer about what processes should be in place to make sure that this

updating of ridings is more systemized and regularized. With respect to ensuring, I guess, the right boundaries, do you have any input on how we could actually make that happen, how we could create a system that would make it more predictable in terms of where the boundaries are drawn?

Mr. Alan Hall: I know federally they have the federal commissions that occur every 10 years after each decennial census. Ontario seems to have accepted, at least in southern Ontario, that the boundaries should be coterminous. So if there was some way to include provincial representation on a commission or to have sort of maybe a joint federal-provincial commission for southern Ontario, I think that would make sense.

The second thing is that I think that for northern Ontario, there should be something in place where changes could be considered on a regular basis rather than just leaving things untouched.

Mr. Jagmeet Singh: I also wanted to just mention how thorough your presentation and the materials you provided are. They're quite well done and I just want to commend you on that.

Mr. Alan Hall: Thank you very much.

Mr. Jagmeet Singh: I have no further questions. Thank you so much.

The Chair (Mr. Peter Tabuns): We'll go to the government: Mr. Thibeault.

Mr. Glenn Thibeault: Thank you, Mr. Hall. I'm going to echo my colleague Mr. Singh's comments: It's quite a thorough report, I do have to say. For, I guess, a hobby, you've picked quite an interesting one in terms of electoral boundaries. So thank you for that.

I guess I'll do a little bit of a preamble before I get to my question. In northern Ontario, we always want to ensure that our voice is heard in Queen's Park or on Parliament Hill. There was some concern initially at the federal level that the 10 seats that were in the north were going to disappear or be dropped down to eight or even less just to try to match the population piece. I know you've talked about the quotient that was with the Supreme Court as well and trying to match that.

It's important for those of us in the north, and I'm sure my colleague from Parry Sound-Muskoka will speak to that as well, to ensure that our voice is heard. So having 10 seats at the federal level and now maintaining the 11 seats at the provincial level is truly important for us. As I go through this, through your thorough report, there are many, many things in here that could be done to make it better. I understand that. Nothing is perfect; we're all human.

I guess my first question would be, do you not think it is important to ensure that we keep the 11 seats here in the north?

My second question would be: There was a lot of advocating done by MPs and MPPs to ensure that the north's voice was heard when we were looking at many of the things that you were suggesting. So my second question is did you have the opportunity to present to the federal electoral commission when they were starting their processes and looking at northern Ontario?

Mr. Alan Hall: Well, no. I did make a presentation for some areas in southern Ontario, but the federal boundary commissioners only had 10 seats to deal with. So to make a presentation for 11 seats I don't think would have been accepted at all at the federal level. That's why I'm saying that if you do have some sort of a joint committee, it would not make sense—as long as northern Ontario would keep its 11 seats, it wouldn't make sense to extend it beyond southern Ontario.

Whether northern Ontario should keep 11 seats, I think that's a matter for the Legislature. As someone who grew up in the southernmost part of Ontario, in Windsor—

Mr. Percy Hatfield: Hey.

Laughter.

Mr. Percy Hatfield: Sorry.

The Chair (Mr. Peter Tabuns): I'm sorry to say this to all, but you're out of time.

Mr. Alan Hall: Fair enough.

Mr. Glenn Thibeault: Thank you, Mr. Hall.

The Chair (Mr. Peter Tabuns): We go to the official opposition. Mr. Miller?

Mr. Norm Miller: If you want to finish off what you were saying, go ahead, and then I'll—

Mr. Alan Hall: It's really up to the Legislature to decide how many seats northern Ontario has.

One issue is that when they had the federal boundaries put in place, they added 15 seats to Ontario. So that allowed the population growth in southern Ontario to be accommodated without touching northern Ontario's 10 seats. If, in the next round, it's a very small number being added, then you're right, northern Ontario might actually have to drop down to nine seats in order to meet the Supreme Court rules.

Mr. Norm Miller: I also would like to thank you for your detailed presentation. You've done a great job.

I gather what you're suggesting that seems to make sense is that in southern Ontario, we more or less follow the federal electoral boundary commissioner, but northern Ontario is frozen in time in that we have 11 ridings and we're not looking at changing the boundaries. So you're suggesting that on a regular basis, there should be a specific northern Ontario electoral boundary commission to evaluate, as things change in the north, where those boundaries are drawn. Is that correct?

Mr. Alan Hall: Yes.

Mr. Norm Miller: You've gone into great detail making some suggestions, which on the surface seem to make sense, pointing out that there's—despite the federal government having only 10 ridings in the north, their Kenora riding is actually smaller than our Kenora-area riding. I see some effect on the riding I represent as well. I see that you know that there are five people who live in Killarney that are in the riding of Parry Sound-Muskoka, and you're suggesting that that might be better accommodated in another riding.

I think that does make sense to, on a regular basis, review the northern ridings. I absolutely feel that with the immense geography of northern Ontario, we need to

maintain 11 ridings. You just need to drive around the north to experience just how huge it is. So I do think geography and complexity of the ridings does need to be a factor in that there's only so much a person can represent when you're spending hundreds and hundreds and hundreds of kilometres driving around your riding, trying to represent the people. So I think that's a good point.

Ernie, do you have any questions?

Mr. Ernie Hardeman: No.

Mr. Norm Miller: Thank you very much for your presentation.

Mr. Alan Hall: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much, Mr. Hall.

Members of the committee, that completes the presentations that will be before us today. A reminder to all of you that, pursuant to the order of the House, the deadline to file amendments to Bill 115 with the committee Clerk is at 10 a.m. on Wednesday, November 25, 2015.

Colleagues, we have been given an order by the House to move on with resuming clause-by-clause consideration of Bill 73. May I suggest to all of you that we have a five-minute recess? You're agreeable? Excellent.

The committee recessed from 1430 to 1436.

SMART GROWTH FOR OUR COMMUNITIES ACT, 2015

LOI DE 2015 POUR UNE CROISSANCE INTELLIGENTE DE NOS COLLECTIVITÉS

Consideration of the following bill:

Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act / Projet de loi 73, Loi modifiant la Loi de 1997 sur les redevances d'aménagement et la Loi sur l'aménagement du territoire.

The Chair (Mr. Peter Tabuns): The committee is back in order. Pursuant to today's order of the House, we now move on to resume clause-by-clause consideration of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

At the conclusion of the last meeting, the committee was on section 28 of the bill and I believe we were just about to go into government motion 60. Who will be speaking? Mr. Milczyn.

Mr. Peter Z. Milczyn: I move that subsection 28(1) of the bill be struck out and the following substituted:

“(1) Section 45 of the act is amended by adding the following subsections:

“Criteria

“(1.0.1) The committee of adjustment shall authorize a minor variance under subsection (1) only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with,

“(a) the prescribed criteria, if any; and

“(b) the criteria established by the local municipality by bylaw, if any.

“Same

“(1.0.2) For the purposes of subsection (1.0.1), criteria that were not in force on the day the owner made the application do not apply.

“Criteria bylaw

“(1.0.3) The council of a local municipality may, by bylaw, establish criteria for the purposes of clause (1.0.1)(b) and the following provisions apply, with necessary modifications, in respect of the bylaw:

“(1) Clause 34(12)(a).

“(2) Subsections 34(13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26).

“Coming into force

“(1.0.4) A bylaw under subsection (1.0.3) comes into force,

“(a) if no notice of appeal is filed in respect of the bylaw and the time for filing appeals has expired, on the day after the last day of the time for filing appeals;

“(b) if all appeals in respect of the bylaw are withdrawn and the time for filing appeals has expired, on the day after the last day on which an appeal was withdrawn;

“(c) if the municipal board dismisses all appeals and the time for filing appeals has expired, on the day after the last day on which an appeal was dismissed;

“(d) if the municipal board allows an appeal in respect of the bylaw and amends the bylaw, on the day after the last day on which the municipal board makes a decision disposing of the appeal; or

“(e) if the municipal board allows an appeal in respect of the bylaw and directs the municipality to amend the bylaw, on the day after the municipality passes the amending bylaw.”

The Chair (Mr. Peter Tabuns): “On the day after the day”?

Mr. Peter Z. Milczyn: Are you referring to (e)?

The Chair (Mr. Peter Tabuns): Yes, (e). I heard you say “on the day after the municipality.”

Mr. Peter Z. Milczyn: Oh, my apologies. It's supposed to be “on the day after the day the municipality passes the amending bylaw.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Milczyn. Would you like to speak to that?

Mr. Peter Z. Milczyn: Yes. Obviously, I'm asking the committee to support this amendment. The purpose here is to respond to the many calls that have come throughout various communities to strengthen what defines a minor variance.

The government is not inclined to add additional tests or criteria to the ones that have already been established by law. However, we do believe that local municipalities should be empowered to establish additional criteria for the definition of a minor variance that a committee of adjustment would be required to uphold, and that that can be done through a municipal bylaw that would allow local municipalities to reflect local values and local needs.

Of course, the passage of such a new bylaw would be open to all the usual appeal rights that individuals would have. It would require public consultation in the municipality, a statutory public meeting, and there would

be appeal rights, but once in effect, that would be the bylaw and the law that would bind the committee of adjustment in its decision-making.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Milczyn. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much for the explanation. I agree with the motion and will be supporting it, but a couple of questions come to my mind. In all the times I was involved in minor variances at the committee of adjustment, the only definition you could possibly come up with for a minor variance is something that was not going to majorly impact anything negatively. But I don't know how you would write that down, because "minor" is in the eye of the beholder. Sometimes, a foot variance can be a major issue if the use next door is such that it's going to conflict by being a foot closer. Other times, it could be 20 feet and it doesn't mean anything because it's such a large backyard that 20 feet one way or the other is somewhat irrelevant.

How would you envision that a bylaw would cover that, the variance, to allow committees of adjustment to make decisions on whether it is or is not a minor variance without it being written in the law?

The Chair (Mr. Peter Tabuns): Mr. Milczyn?

Mr. Peter Z. Milczyn: It would be written into the local bylaws. It's not for me to prejudge what each individual municipality may or may not choose to do.

There are already certain instances where there are other pieces of legislation that overlay—heritage preservation districts trump the ability to secure certain types of minor variances. But that speaks to the issue of preserving local character. There may be instances where the prevailing streetscape is something that a municipality might want to preserve: strengthen wording about maintaining the pattern of lots in a neighbourhood to prevent additional subdivision of lots.

There could be additional, stronger language that would be tabled to the entire municipality, or to a neighbourhood within a municipality, that would provide greater clarity on what the intent of the bylaw is. If the member opposite recalls from his municipal days, a minor variance has to comply with the official plan, but it also has to be in keeping with the spirit and intent of the underlying zoning bylaw. I would suggest that in a lot of cases, that's a test that is never really adhered to. This would be potentially an attempt by municipalities to strengthen clarity around what the spirit and intent of the original zoning bylaw is.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Milczyn. Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to point out for the record that, again, I agree with this, but I think the challenge is the difference between what some people consider the minor variance process was and what others see.

Toronto presented to the committee and said that allowing five more storeys on a building is not a minor variance. In the community that I was a municipal politician in, that would never have even got that far to

become an application for a minor variance because that would be a different zoning. If it's single-storey zoning, to get the second storey you've got to apply for rezoning. But this seems like an awfully convoluted way to get to—when, all of a sudden, they've poured the foundation and they're six inches too close to the street, and they need a minor variance for the six inches. They forgot to put that in their bylaw, and now they've got to rip the foundation out to do that. I just point that out. But with that, I will support the motion.

The Chair (Mr. Peter Tabuns): Okay. Any other further commentary? Mr. Milczyn.

Mr. Peter Z. Milczyn: I just want to be clear: The government's intent is to empower local municipalities to have more control over their local decision-making.

Mr. Ernie Hardeman: I support that 100%.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Yes. After hearing that final remark about giving local municipalities more control, I just think that's a perfect opportunity to say that we should have inclusionary zoning somewhere in this bill as well. I will be supporting this amendment.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield.

It looks like you're ready to vote. As has previously been requested, all these votes are recorded.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Opposed? There being none, the motion is carried.

We go to government motion 61. Mr. Milczyn, you're on a roll; keep going.

Mr. Peter Z. Milczyn: Yes. I move that subsection 45(1.3) of the Planning Act, as set out in subsection 28(2) of the bill, be struck out and the following substituted:

"Two-year period, no application for minor variance

"(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the bylaw in respect of the land, building or structure before the second anniversary of the day on which the bylaw was amended.

"Exception

"(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally."

The Chair (Mr. Peter Tabuns): Commentary? Do you want to speak to that, Mr. Milczyn?

Mr. Peter Z. Milczyn: Thank you, Mr. Chair. I know that the member opposite is going to ask some questions about this, so I'll try to provide clarity around this.

It might be, in certain municipalities, that this seems an onerous restriction; in other municipalities, it's a very

necessary one. The exception that's being proposed would address the issue that, in certain municipalities where this would not be seen as an issue, where they would want more flexibility, they could pass a resolution allowing for all manner of minor variance applications to zoning bylaws to be heard within the two-year period. Other municipalities might choose to restrict that. This amendment provides that flexibility to municipalities.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Milczyn. Mr. Hardeman.

Mr. Ernie Hardeman: Just to show I'm not a creature of habit, I support this motion. When we get to it, I'll withdraw 62.

The Chair (Mr. Peter Tabuns): When we get to 62, I'll acknowledge that.

Any other comments on this? There being none, you're ready to vote?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to PC motion 62: Mr. Hardeman.

Mr. Ernie Hardeman: I withdraw that.

The Chair (Mr. Peter Tabuns): The motion is withdrawn.

We go to PC motion 63: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 45(8.1) of the Planning Act, as set out in subsection 28(3) of the bill, be struck out and the following substituted:

"Same

"(8.1) The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall set out the reasons for the decision.

"Same

"(8.1.1) The decision of the committee, whether granting or refusing an application, may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision."

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Do you want to comment on that?

Mr. Ernie Hardeman: Yes. This amendment would address the concerns raised by municipalities that reporting the impact of oral submissions on planning decisions as laid out in Bill 73 may not be feasible. I think this goes back to the issue of how you record in the minutes what was in the minds of the people who voted.

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A number of municipalities raised concerns about this clause, such as the resources required to record the oral submissions.

As well, the city of Toronto pointed out that they deal with thousands and thousands of applications every year, and there may be multiple reasons that councillors made

the decision to vote as they did. Interviewing each councillor to determine the impact of written and oral submissions simply isn't feasible. This here, though it does allow for the recording of those thoughts and comments, doesn't obligate the municipality to put that in notes of the meeting.

The Chair (Mr. Peter Tabuns): Is there any further debate on this matter? Mr. Milczyn.

Mr. Peter Z. Milczyn: I recommend that we do not support this motion. Notwithstanding what Mr. Hardeman said, in fact there are many instances where individuals may choose to challenge a decision and there is really little or no record as to the decision-making process that went in, other than what the final decision is. It makes it difficult for an individual to challenge incorrect assumptions that may have been made in the decision-making process. In fact, my own personal experience is that I've observed where sometimes decisions are made with no discussion. They're simply yes or no, and the public is left completely flummoxed as to knowing why that decision was made, which I think impedes their ability to potentially challenge those decisions.

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: I guess I'll do it one more time, Mr. Chairman. My concern is, on the comments made by the member opposite, that sometimes a decision is made with no comments at all. I don't know how the clerk of the committee would get any comments on decision-forming. If no one made comments, then there is nothing to record, oral or otherwise. That really isn't a great argument.

Every decision, once it's been made—what drove or what precipitated the decision becomes irrelevant, because the only alternative to the decision, the way it was—how little or how much the public knows becomes irrelevant. The only way you can overturn the decision is through the Ontario Municipal Board. What the clerk has recorded on the mindset of the committee members as they voted is not going to be evidence at the Ontario Municipal Board, so it seems to me, as difficult as it is to collect it, that even after it's collected it becomes totally worthless.

I think this would tighten the bill up much better and do a better job of letting people make the decisions, call their vote and then be held accountable for the vote they took.

The Chair (Mr. Peter Tabuns): Is there any other debate? Mr. Milczyn.

Mr. Peter Z. Milczyn: Well, just briefly to the point that Mr. Hardeman made about accountability: That's precisely the issue. When elected officials or appointed officials, as the case might be, are conducting business in public, they have an obligation to give a rationale for why they're voting one way or another. That's part of the accountability that we're seeking as well.

The Chair (Mr. Peter Tabuns): Seeing no other commentary, you're ready for the vote? Recorded vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Berardinetti, Mangat, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to NDP motion 64. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 28 of the bill be amended by adding the following subsection:

“(5) Section 45 of the act is amended by adding the following subsections:

““L.G. in C. may confirm, vary or rescind orders

“(21) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made,

“and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

““Withdrawal of petition

“(22) Any party or person who has filed a petition under subsection (21) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.””

The Chair (Mr. Peter Tabuns): Mr. Hatfield, do you want to comment?

Mr. Percy Hatfield: Why, thank you, sir. I think it's an important amendment to restore—good afternoon, by the way—the government's powers to overturn OMB decisions upon petition with respect to the committee of adjustment decisions. The government used to have this power, but for some reason, they gave it up back in 2009. It made no sense then and it makes no sense today.

Even OMB decisions with respect to the committee of adjustment require government scrutiny, as the OMB's outrageous 2013 decision to throw out the rulebook and approve an illegally built home addition in Toronto demonstrated. They did the same thing back in Kitchener-Waterloo, which we've talked about so many times here. In the region of Waterloo, after a 10-year amendment to the adoption of an official plan that followed every policy statement that the province had, it was appealed and the OMB came in and made a ruling that threw out 10 years of hard work.

I think these decisions can put to rest any delusion that the OMB exists to uphold planning rules in Toronto or the region of Waterloo or any place else in Ontario because, basically, in Ontario today, no elected government has ultimate authority over planning policy in Ontario. Policy should be written by elected govern-

ments. We should stand by those decisions. People should hold us accountable.

But when you have a quasi-judicial body such as the Ontario Municipal Board that's accountable to absolutely no one, and they can do what they want—the cabinet had, until 2009, the ability to overturn those decisions. If you go back to when Bill Davis was Premier and the Spadina Expressway, the OMB said, “Yes, finally,” and cabinet said, “No. No way.” They gave up the right in 2009. They shouldn't have. This will repair some of that damage, Chair.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Is there any—Mr. Rinaldi, then Mr. Milczyn.

Mr. Lou Rinaldi: Chair, we've been through this previously in clause-by-clause, and I appreciate the member's concerns, but as I mentioned in the past, we're going to be embarking on an Ontario Municipal Board review, and I think this is certainly something that is more appropriate to be talked about and decided upon at that time. I'm recommending that we don't support it.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Is there any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Chair. I agree with the government's position on this. I believe it's inappropriate to send applications to the Ontario Municipal Board, with the Ontario Municipal Board having no authority to make a decision. Telling them how they have to decide or telling them what they can decide doesn't make it an arm's-length quasi-judicial type of committee.

I disagree with the third party and the suggestion that, somehow, they're making planning decisions while not being elected. They are there to oversee the implementation of the policy put in place by the elected people of the province: first by the province here through these types of documents, and by local municipalities following these rules.

I think that it has enough oversight for that. I think the OMB is like the courts: They don't tell people how fast they can go, but when it gets to court, they do adjudicate whether they, in fact, exceeded the speed limit or not.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Mr. Hatfield?

Mr. Percy Hatfield: I won't be long, Chair. I'll just say that I'm not talking about breaking any land speed records; I'm talking about elected governments that follow the rules, the regulations. They cross every t, they dot every i. They spend 10 years developing an official plan. They make sure it conforms with every clause and provincial policy statements, such as Places to Grow. Everything is on the up and up—inclusionary consultation for 10 years. They adopt an official plan that says, “We're going to do more infilling than we're going to expand beyond the boundaries.” Somebody doesn't like that decision and appeals to the Ontario Municipal Board. It doesn't find that somebody was speeding. It doesn't find that there was mistake made in any of the planning, in any of the consultation, in any of the decision-making.

Every process was followed to the letter of the law, and the OMB just says, "So what? Too bad, so sad. This is what we're going to allow." That's what I'm talking about, nothing else.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. I don't see any further debate. The committee is ready to vote. Recorded vote.

Ayes

Hatfield.

Nays

Berardinetti, Hardeman, Mangat, Martow, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is lost.
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We now go to section 28, as amended. Is there any commentary on section 28 before we call the vote? None? Shall section 28, as amended, carry? Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Opposed? It is carried.

We now go to section 29. There are no amendments. Any commentary on section 29? There being none, shall section 29 carry? Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Opposed? There being none, section 29 is carried.

We go on to NDP motion number 65: Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. It's one of my favourites.

I move that section 30 of the bill be amended by adding the following subsection:

"(1.1) Subsection 51(25) of the act is amended by striking out 'and' at the end of clause (c) and by adding the following clause:

"(c.1) that a specified percentage of housing units in all new housing developments in the subdivision containing 20 or more housing units be affordable, and specifying the percentage; and"

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I'm sorry to say that I have to rule this amendment out of order because it is outside the scope of the bill.

Mr. Percy Hatfield: Chair.

Mr. Peter Z. Milczyn: And I may have supported it, Percy.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I feel badly about it as well.

Mr. Percy Hatfield: No, but I heard I had support from the member on the opposite side.

Mr. Peter Z. Milczyn: I support the Chair.

The Chair (Mr. Peter Tabuns): I'm glad I have the support.

We go on to government motion 66: Mr. Milczyn.

Mr. Peter Z. Milczyn: Thank you, Mr. Chair. I always support you.

I move that subsection 51(37) of the Planning Act, as set out in subsection 30(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Notice

"(37) If the approval authority gives or refuses to give approval to a draft plan of subdivision, the approval authority shall, within 15 days of its decision, give written notice of it in the prescribed manner to,"

The Chair (Mr. Peter Tabuns): Do you wish to speak to that, Mr. Milczyn?

Mr. Peter Z. Milczyn: Very briefly, this is a technical amendment that facilitates a more modern way of giving notice through additional methods, such as email. This is something that we heard clearly from municipalities and other stakeholders.

The Chair (Mr. Peter Tabuns): Okay. Mr. Hardeman, would you like to comment?

Mr. Ernie Hardeman: Thank you very much. I just want to say that I'll support this motion if I can count on the government's support on the next motion. Turnabout is fair play.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Are there any further comments on this? There being none, the committee is ready to vote. Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to PC motion number 67: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 51(38) of the Planning Act, as set out in subsection 30(4) of the bill, be struck out and the following substituted:

"Contents

"(38) The notice under subsection (37) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (38.1) had in the decision.

"Same

"(38.0.1) The notice under subsection (37) shall contain any information that is prescribed."

The Chair (Mr. Peter Tabuns): Thank you. Any comment?

Mr. Percy Hatfield: Just as a point of order, Chair?

The Chair (Mr. Peter Tabuns): Point of order.

Mr. Percy Hatfield: I believe Mr. Hardeman said “had in the decision,” as opposed to “on the decision,” if he wants to correct that.

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: “Had on the decision,” yes.

The Chair (Mr. Peter Tabuns): Thank you so much. Mr. Hardeman, back to your comments.

Mr. Ernie Hardeman: Thank you very much, and, again, Mr. Chair, this is a similar motion to the previous one. Again, I think it’s asking an awful lot, with very little positive impact, in suggesting that you have to ask each person who voted why they voted. In our democratic society, in anything I’ve ever been involved with, I’ve never had to tell people why I voted the way I wanted. If I choose to do so, I can do that. But when even the Chair of this committee makes a ruling, Mr. Chair may—may—give an explanation of why he made that ruling, but he is not expected to provide it. I don’t think, on decisions like this, that we should ask municipalities to have the clerk of the committee, rather than just recording what happened at the meeting, actually have to follow up with each person and say, “Would you tell me why it is you voted that way? Was there any impact from the oral presentation that you heard today?” If the answer is no, what do they record? Nothing.

It may or may not be the facts, but the truth is, I think it’s erroneous to have legislation like this. I’m going to try it one last time just to see if we can get at least one place in this bill to have some common sense added to the hearing process when they have to record the minutes of the hearing, when they have to record what people are thinking instead of what they’re saying.

The Chair (Mr. Peter Tabuns): Further debate? Mr. Milczyn?

Mr. Peter Z. Milczyn: I recommend not supporting this motion. Throughout this bill, the government is proposing to increase the transparency and accountability around planning decisions.

The Chair (Mr. Peter Tabuns): There being no further debate, the committee is ready to vote. Recorded vote.

Ayes

Hardeman, Hatfield, McDonell.

Nays

Berardinetti, Mangat, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is lost. We move to government motion 68. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 30 of the bill be amended by adding the following subsection:

“(4.1) Subsection 51(40) of the act is amended by adding the following clause:

“(a.1) where notice is given by email, on the day that the sending by email of all required notices is completed;”

The Chair (Mr. Peter Tabuns): Commentary? Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, same as the previous ones: It’s more of a technical change to modernize the way we give out information.

The Chair (Mr. Peter Tabuns): Is there any further commentary? There being none, the committee appears prepared to vote. Since it’s a recorded vote, I will ask all those in favour, please indicate.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to government motion 69. Mr. Milczyn.

Mr. Peter Z. Milczyn: I move that section 30 of the bill be amended by adding the following subsection:

“(4.2) Subsection 51(45) of the act is amended by striking out the portion before clause (a) and substituting the following:

“Notice

“(45) If the approval authority changes the conditions to the approval of a plan of subdivision under subsection (44) after notice has been given under subsection (37), the approval authority shall, within 15 days of its decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,”

The Chair (Mr. Peter Tabuns): Mr. Milczyn?

Mr. Peter Z. Milczyn: Again, this is a technical change that facilitates more modern notice being given, primarily emails.

The Chair (Mr. Peter Tabuns): Any further debate or commentary? There being none, the committee is ready to vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): All those opposed? There being none, the motion is carried.

We go to NDP motion 70. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 30 of the bill be amended by adding the following subsection:

“(6) Section 51 of the act is amended by adding the following subsections:

“L.G. in C. may confirm, vary or rescind orders

“(62) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of

the Municipal Board under this section, the Lieutenant Governor in Council may,

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“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made,

“and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(63) Any party or person who has filed a petition under subsection (62) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Hatfield?

Mr. Percy Hatfield: I think it's an important amendment, as we've talked about before, to restore the government's powers to overturn OMB decisions upon petition, with respect to subdivision plans. As we've talked about previously, the government used to have the power, but for some unknown reason gave it up in 2009 and now no elected government has ultimate authority over planning policy in Ontario.

I firmly believe that policy should be written by elected governments when an unelected body, such as the OMB, has the extraordinary power to not just uphold the rules but actually rewrite the rules and make new policy with no recourse available to democratically elected governments, including the provincial government.

These aren't radical changes but normal government powers that existed for more than 100 years before the government gave them away in 2009, and they did so through what was supposed to be a boring housekeeping good government bill. But that was the true radical change of the whole thing, and it set in motion decisions that the OMB makes which have no rationale at all. I've talked so many times before about the various examples that are out there, and I could go into them again, if need be.

The Chair (Mr. Peter Tabuns): Further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I do give the member credit, and I'm programmed to repeat what I said in the past. We're embarking on the review of the Ontario Municipal Board, and I really think these are issues that are better suited to discussion at that time.

The Chair (Mr. Peter Tabuns): There being no further commentary, the committee is ready to—Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. You're being very indulgent this afternoon.

I would just say that I hope at that time that we actually do hold a discussion and we're not told, “Oh, this isn't the time or the place for that amendment. We'll have to hold that at another time,” if you know what I mean.

The Chair (Mr. Peter Tabuns): The committee is ready to vote? Recorded vote.

Ayes

Hatfield.

Nays

Berardinetti, Hardeman, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is lost.

We're now going to consider section 30, as amended. Is there any commentary on section 30 as a whole? There being none, shall section 30, as amended, carry? Recorded vote.

Ayes

Berardinetti, Hatfield, Mangat, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): All those opposed? There being none, section 30 is carried, as amended.

We now go to section 31 and government motion 71. Mr. Milczyn.

Mr. Peter Z. Milczyn: I move that subsection 31(4) of the bill be struck out and the following substituted:

“(4) Subsection 51.1(5) of the act is amended by striking out ‘42(2), (5) and (12) to (16)’ and substituting ‘42(5) and (12) to (20)’”.

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Milczyn?

Mr. Peter Z. Milczyn: This is a consequential change to remove a cross-reference that would be outdated because of Bill 73.

The Chair (Mr. Peter Tabuns): Any other commentary by members of the committee? There being none, you appear ready to vote. Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

Before we vote on section 31 as amended, any comment on 31 as a whole? There being none, shall section 31, as amended, carry? Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Section 31, as amended, is carried.

We now go to section 32—

Interjection.

The Chair (Mr. Peter Tabuns): Thank you. To make sure the record is clear: Opposed? There being none, we go now to section 32 and government motion 72. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 53(17) of the Planning Act, as set out in subsection 32(5) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice of decision

“(17) If the council or the minister gives or refuses to give a provisional consent, the council or the minister shall ensure that written notice of it is given in the prescribed manner within 15 days to,”

The Chair (Mr. Peter Tabuns): Any commentary?

Mr. Lou Rinaldi: If I may, Chair?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi and then Mr. Hatfield.

Mr. Lou Rinaldi: Sure. This is really a technical change that will facilitate the modernization of giving a notice through additional methods, for example, email, that could be identified through an existing regulation.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, you wanted to comment?

Mr. Percy Hatfield: I was just going to ask whether Mr. Rinaldi meant to say “content” as opposed to “consent,” or whether I heard it wrong.

Mr. Lou Rinaldi: Where are you?

Mr. Percy Hatfield: The bottom paragraph. I thought you said “provisional content” as opposed to “provisional consent.”

Mr. Lou Rinaldi: It should be “consent.” Thank you.

The Chair (Mr. Peter Tabuns): Any further discussion on this matter? We’re ready to vote. All those in favour of government motion 72, please indicate. Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): All those opposed? There being none, the motion is carried.

We go to PC motion 73. Mr. McDonell.

Mr. Jim McDonell: I move that subsection 53(18) of the Planning Act, as set out in subsection 32(5) of the bill, be struck out and the following substituted:

“Contents

“(18) The notice under subsection (17) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.1) had on the decision.

“Same

“(18.0.1) The notice under subsection (17) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Would you like to comment, Mr. McDonell?

Mr. Jim McDonell: Yes. The amendment would address concerns we heard from municipalities that reporting the impact of oral submissions on planning decisions, as laid out in Bill 73, may not and would reasonably not be feasible to do.

The Chair (Mr. Peter Tabuns): Is there any other commentary? Mr. Milczyn.

Mr. Peter Z. Milczyn: We’re opposing this amendment for the reasons I’ve previously stated.

The Chair (Mr. Peter Tabuns): There being no other commentary, the committee is ready to vote. Recorded vote.

Ayes

Hardeman, Hatfield, McDonell.

Nays

Berardinetti, Mangat, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 74. Mr. Milczyn.

Mr. Peter Z. Milczyn: I move that section 32 of the bill be amended by adding the following subsection:

“(5.1) Subsection 53(20) of the act is amended by adding the following clause:

“(a.1) where notice is given by email, on the day that the sending by email of all required notices is completed;”

The Chair (Mr. Peter Tabuns): Would you like to speak to that, Mr. Milczyn?

Mr. Peter Z. Milczyn: This is a technical amendment simply to identify when notice of email is complete so that appeals flow from that if required.

The Chair (Mr. Peter Tabuns): Okay. Any other debate? There being none, we’re ready to go to a vote. Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Opposed? There being none, the motion is carried.

We go now to government motion 75. Speaking will be Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 32 of the bill be amended by adding the following subsection:

1520

“(5.2) Subsection 53(24) of the act is amended by striking out the portion before clause (a) and substituting the following:

“Notice

“(24) If the council or the minister changes conditions of a provisional consent under subsection (23) after notice has been given under subsection (17), the council or the minister shall, within 15 days of its decision, give

written notice” to “the changes in the prescribed manner and containing the information prescribed to,”

The Chair (Mr. Peter Tabuns): Mr. Rinaldi, before we go forward, what I and the Clerk both heard was “give written notice to the changes.” Did you mean “give written notice of the changes” in that second-last line?

Mr. Lou Rinaldi: “Of the changes.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi.

Any commentary on this?

Mr. Lou Rinaldi: This is more of a technical change that will facilitate, once again, the organization of giving notices.

The Chair (Mr. Peter Tabuns): Thank you. I don’t see any other commentary. People are ready to vote?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now need to consider section 32, as amended. Is there any comment on section 32 before we go to the vote? There being none, shall section 32, as amended, carry?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The section, as amended, is carried.

We go now to section 33. If the committee is agreeable, I’ll combine sections 33 and 34, because there are no amendments proposed. Shall sections 33 and 34 carry?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Both are carried.

We now go to government motion 76: Mr. Milczyn.

Mr. Peter Z. Milczyn: I move that subsection 70.2(2.1) of the Planning Act, as set out in subsection 35(2) of the bill, be amended by adding the following clause:

“(c) provide that a prohibition provided under clause (a) or (b) does not apply in respect of an application if the council has declared by resolution that such an application is permitted.”

The Chair (Mr. Peter Tabuns): Thank you. Any commentary?

Mr. Peter Z. Milczyn: The purpose of this amendment is to provide for regulation-making authority to

allow councils, by resolution, to permit applications to amend development permit bylaws and official plan policies during the five-year period following the approval of the specified document.

This is something we heard from municipalities, that they wanted the flexibility to choose to be able to make amendments, and this would grant that.

The Chair (Mr. Peter Tabuns): Further commentary on this amendment? Mr. Hatfield.

Mr. Percy Hatfield: I’m just worried that this could be our final vote of the day, and I’d just like to take the next three or four hours to talk about inclusionary zoning—but I won’t. I’d like to, but I won’t.

The Chair (Mr. Peter Tabuns): Nervous laughter in the room, Mr. Hatfield.

No further debate? People are ready to vote?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The motion is carried.

We are now going to consider section 35, as amended. Is there any commentary on section 35? There being none, all those in favour of section 35, as amended?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The section, as amended, is carried.

Colleagues, sections 36, 37, 38 and 39 have no amendments. With your agreement, can we take all of them at once? Excellent. Shall sections 36, 37, 38 and 39 carry?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): Carried.

We now go to the title. Shall the title of the bill carry? Mr. Hardeman.

Mr. Ernie Hardeman: I realize that once the title of the bill carries, it’s all over but the crying. I just wanted to make a couple of comments on the bill generally.

As you will know, Mr. Chair, from the way we voted throughout this process, we have supported most of what’s in the bill, if not all that’s in the bill. There were three things that bothered us when we started the bill. One of those was, shall we say, corrected by the government when they put forward the motions to open it up to make sure that the municipalities could get past the freeze if an application was made within two years of the approval of an official plan or the approval of a zoning

bylaw, or the approval of a minor variance. I thank them for that. I don't think I've ever been through a bill, planning or otherwise, where there were so many resolutions and amendments doing exactly the same thing over and over again, in different sections of the bill, because of the different attributes.

The thing that bothers me that didn't get corrected and that I think is too bad: One is that I still really don't believe that you can ask municipalities, or in fact that you will get municipalities to adequately deal with all those sections in the bill that say they must record the comments that were orally made by the audience and which ones had an impact on how the members of council or the member of a committee of adjustment voted and what drove that vote. I guess, to prove my point, I would ask if we could go through this bill—and find out on each one of the amendments—and ask each member of this committee what part of the presentation made by the people made us vote the way we did on those amendments. I dare say we would not—it may be very transparent, as was pointed out a number of times today, but I would be hard pressed to believe that we would get any amendment that everyone would put their comment rightfully on what part of the presentation made them make that decision.

I use the third point that we didn't get corrected in this bill, and that was the issue in the development charges where it disallows the use of mutually agreed upon agreements, apart from the development charges. In places where they have mutual agreements in place, they weren't grandfathered to leave them in place if they put the development charges in place in that same area. I think that was a big mistake, and I think it's fair to say that everybody that made a presentation on that issue said that they wanted that problem solved, because it was going to cause a big problem for them.

The city of Barrie comes to mind; it was the largest one, where they had the new, annexed area that was under a development agreement, mutually agreed upon by developers and the city, which now is at risk of being null and void because of this legislation. They wanted that corrected. The vote was made to vote against that amendment. I would ask the government: What part of that presentation made them decide to vote that way? Just because they didn't like the way it was asked for? It couldn't have been based on what the content of the presentation was, because there was no one who commented against doing that. So I just don't believe that would be possible.

I think it's too bad that the government didn't come through and fix some of those problems. Though I'm disappointed with that, I think the bill generally will be an improvement for the process and development charges and for the Planning Act. So we will be supporting the bill, and even the title of the bill, Mr. Chairman.

The Chair (Mr. Peter Tabuns): I am glad to hear you will be supporting the title of the bill.

Mr. Hatfield.

Mr. Percy Hatfield: I guess I'll support the title of the bill, as well, although I thought there could have been

other ways we could have improved the smart growth for our communities.

As a member of provincial Parliament, this was my first clause-by-clause reading exercise. I found it interesting at times and quite stifling at times. I do hope that when we heard the government say, for example, "We'll deal with changes to the Ontario Municipal Board at a future date and we'll deal with inclusionary zoning in a future bill"—I do hope that that happens and happens relatively quickly.

1530

I know in the case of inclusionary zoning that we do have an affordable housing crisis in Ontario. I think we all recognize that. We just went past National Housing Day, a day where we could have done more to recognize homelessness and the need for more affordable housing and inclusionary zoning, and little was done or said about that. When I was researching that, I realized that, in the past, there were ministerial statements on National Housing Day. I found that it really started in Toronto. There's a monument in Toronto with 700 names on it of people who have died on the streets of Toronto, mostly homeless people or somehow connected to being homeless. I thought that should be a government priority and that we should recognize that somehow on that day, and we didn't.

I'd also like to say I'm disappointed that we didn't grandfather—when we heard from Ajax and Barrie, they wanted to grandfather the voluntary payments that were made prior to the bill. They have major developments going on in their communities that are now in jeopardy because they weren't grandfathered in.

I think we should have listened more to recommendations made by the Association of Municipalities Ontario and by the financial officers of Ontario. These are the people on the ground, and they know what it takes to make their municipalities grow, and small rural municipalities know what it takes to get a development off the ground. They needed more flexibility, and we didn't really offer much to them by way of that in consideration of this bill.

Finally, Chair, I want to thank you for your tolerance over the hearing days, and I want to thank Mr. Hardeman, the member from Oxford. When this committee first started out, we were talking about only giving delegations four minutes to state their case. Mr. Hardeman, with his vast years of knowledge on the committee and in government, made sure that the government took the time to actually listen—not that they made a lot of changes after hearing everything that was said, but at least the delegations felt that they had an opportunity to voice their concerns. I thank Mr. Hardeman for that. Thank you, Chair.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Mr. Milczyn.

Mr. Peter Z. Milczyn: I do also want to thank Mr. Hardeman, especially, and Mr. Hatfield for all of their commentary and debate and input into this.

Mr. Chair, you've heard the term, "living the dream"? Well, for 14 years as a city councillor, I dreamt of the

day that the province would enact sweeping changes to planning reform. When I said that I would run to hopefully serve in the provincial Legislature—which, of course, ultimately I was successful in doing—it was because the government was making a commitment that they were serious about doing this.

Today, I am very proud of the bill that we'll be sending on to the Legislature. It's going to give municipalities a great deal more power to decide their own vision and implement their own visions for growth and development in their communities. It's going to give them more tools to do that, especially through development charges, through the ability to raise more funds. So this is a very good day for planning in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Milczyn. Mr. Hardeman.

Mr. Ernie Hardeman: Just another short comment. I knew there were three things I was trying to think of, and the third one was, of course, the planning committees. The reason I did want to interrupt again was that it was one of the requests from my own municipality, because it's going to be very inconvenient for them to have a brand new planning committee to give advice to their council because they have to have a layperson on it. AMO, again, also presented against that, but I just wanted to say I'm sorry that that didn't get passed.

I do want to thank the government for at least giving us this opportunity to get here today so we could have this discussion. I do hope that all the things that I have concerns about will not materialize and, in fact, that it will work better for the municipalities in the province of Ontario.

The Chair (Mr. Peter Tabuns): Thank you very much, Mr. Hardeman.

Colleagues, are you ready to vote on the title? Shall the title of the bill—

Mr. Lou Rinaldi: Chair, do we need to deal with that before—

The Chair (Mr. Peter Tabuns): No, we can do that after we vote on the title.

Shall the title of the bill carry? Recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): It is carried.

Colleagues, I'm going to ask legislative counsel to address us briefly. I gather there is a problem with one clause or amendment that went through. I'd like legislative counsel to address that because we may have to open up a part of the bill to correct a grammatical error.

Ms. Susan Klein: It was motion 75, a government motion, and what it says about halfway through is "the council or the minister shall, within 15 days of its decision." The minister isn't an "it," so grammatically it should have said "within 15 days of the decision."

I think I can do a motion to amend that motion, just to strike out "within 15 days of its decision" and change that to "within 15 days of the decision."

I'm not sure if that's something that we could do editorially ourselves, but since we're here, we can just clean it up, if that's okay.

The Chair (Mr. Peter Tabuns): Can I have unanimous consent of the committee to allow this to be introduced? I see unanimous consent from the committee to reopen the section and to reopen government motion 75. Unanimous consent is granted.

Do we have a motion to put? Does everyone want a copy?

Mr. Lou Rinaldi: We don't need a copy.

Mrs. Amrit Mangat: We don't need a copy.

The Chair (Mr. Peter Tabuns): Okay, we don't need a copy. We can have it read out.

Mr. Lou Rinaldi: No, I need a copy.

The Chair (Mr. Peter Tabuns): You need a copy, Mr. Rinaldi, because you need to read. Mr. Rinaldi, you're moving.

Mr. Lou Rinaldi: Yes, motion 75, the amended motion. I move that the government motion that amended section 32 of the bill by amending subsection 53(24) of the Planning Act be amended by striking out "within 15 days of its decision" and substituting "within 15 days of the decision."

The Chair (Mr. Peter Tabuns): Understood by everyone? Mr. Hatfield?

Mr. Percy Hatfield: If you need unanimous consent, is this the opportunity for the third party to talk more about inclusionary zoning before that unanimous consent—

The Chair (Mr. Peter Tabuns): I'm in the hands of the committee. If you deny unanimous consent, then you deny unanimous consent.

Mr. Ernie Hardeman: It's already been granted. We can't deny it anymore.

The Chair (Mr. Peter Tabuns): Done. Thank you, Mr. Hardeman.

We are voting on the amendment, a recorded vote.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): It is carried unanimously. We've adopted that amendment. Now we have to vote on government motion 75, as amended.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): It is carried. I just have to check. Do we have to re-pass the section that it is in?

Interjection.

The Chair (Mr. Peter Tabuns): We need a vote to carry section 32, as amended.

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): The section is again carried.

We go back to shall Bill 73, as amended, carry?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): It is carried.

Shall I report the bill, as amended, to the House?

Ayes

Berardinetti, Hardeman, Hatfield, Mangat, McDonell, Milczyn, Rinaldi, Thibeault.

The Chair (Mr. Peter Tabuns): That's it.

Interjection.

The Chair (Mr. Peter Tabuns): Opposed? There being none.

You know, when I get a unanimous vote I sort of figure, all right, there's not going to be any opposed, but I understand the form.

We are done. The committee is adjourned until 1 p.m. on Thursday, November 26, 2015, in committee room 2.

The committee adjourned at 1540.

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Jeudi 26 novembre 2015

Standing Committee on Social Policy

Electoral Boundaries Act, 2015

Comité permanent de la politique sociale

Loi de 2015 sur les limites
des circonscriptions électorales



Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Thursday 26 November 2015

Jeudi 26 novembre 2015

*The committee met at 1300 in committee room 2.*ELECTORAL BOUNDARIES ACT, 2015
LOI DE 2015 SUR LES LIMITES
DES CIRCONSCRIPTIONS ÉLECTORALES

Consideration of the following bill:

Bill 115, An Act to enact the Representation Act, 2015, repeal the Representation Act, 2005 and amend the Election Act, the Election Finances Act and the Legislative Assembly Act / Projet de loi 115, Loi édictant la Loi de 2015 sur la représentation électorale, abrogeant la Loi de 2005 sur la représentation électorale et modifiant la Loi électorale, la Loi sur le financement des élections et la Loi sur l'Assemblée législative.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everyone. Welcome and thank you for being here. The Standing Committee on Social Policy will now come to order. Although I am the vice-chair of this committee, I will be asking my colleague to chair, because I am the critic for the third party on this bill. With your leave, I will now ask my colleague Ms. DiNovo to chair the remainder of this meeting. Thank you so much.

The Acting Chair (Ms. Cheri DiNovo): Thank you, Mr. Singh. I'm delighted, completely delighted.

Good afternoon, again. We are here for clause-by-clause consideration of Bill 115, An Act to enact the Representation Act, 2015, repeal the Representation Act, 2005 and amend the Election Act, the Election Finances Act and the Legislative Assembly Act.

I would like to remind members that pursuant to the order of the House, at 2 p.m. today I shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Those amendments which have not yet been moved shall be deemed to have been moved at that time. I shall allow one 20-minute waiting period pursuant to standing order 129(a).

Bill 115 consists of three sections and five schedules. Because the substance of the bill is in the schedules, I suggest that we postpone consideration of the three sections and deal with the schedules first. Do we have unanimous consent to proceed that way? Agreed? Okay, thank you.

I also propose that consecutive sections with no amendments be grouped together, unless any members

would like to vote on a section separately. Any comments or questions before we proceed?

So we're going right to schedule 1 of Bill 115, An Act to enact the Representation Act, 2015, repeal the Representation Act, 2005 and amend the Election Act, the Election Finances Act and the Legislative Assembly Act. Shall schedule 1, sections 1 through 5 carry? Carried.

On schedule 1, the 11 electoral districts, I understand we have an amendment proposed by the third party, number 1. Mr. Singh.

Mr. Jagmeet Singh: Yes, I'd like to read this in. Thank you so much, Madam Chair.

I move that the electoral district of Nickel Belt, as set out in the schedule to schedule 1 to the bill under the heading "3. Nickel Belt", be amended by striking out "All of the territorial district of Sudbury excepting those parts described as follows:" in the portion after the heading "Secondly:", and substituting "All of the territorial district of Sudbury excepting those parts described as follows other than that part forming the reserve of Wahnapiatae"

The Acting Chair (Ms. Cheri DiNovo): Any debate? Yes. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Chair. I've looked at it carefully, and I understand that in this proposed bill that we are looking at keeping 11 ridings provincially, as opposed to the current 10 ridings federally. In looking at the overall reason why we're going to look at boundary changes, I would recommend voting against this motion. Part of the reason is that making that change would be inconsistent with the intention of maintaining the existing provincial northern ridings in their current form. From my understanding one of the reasons that we're going to move to align the provincial boundaries with the federal boundaries is that it's the most reasonable to do in terms of cost. This would be against that.

We continue to think that the fairest and most cost-effective approach is to adjust the Ontario provincial boundaries to the 111 new southern federal ridings and to maintain the existing 11 provincial northern ridings in their current forms. Further changes to Ontario's provincial electoral boundaries could be considered in the future, based on population and shifts in growth, as well as other factors.

The Acting Chair (Ms. Cheri DiNovo): Further debate?

Mr. John Vanthof: The Wahnapiatae First Nation is currently in the riding of Timiskaming–Cochrane. The reason that both the member from Nickel Belt and myself, as the member for Timiskaming–Cochrane, and most importantly Chief Ted Roque and the Wahnapiatae First Nation, have requested this change is because their community of interest is not in the riding of Timiskaming–Cochrane. They are on the other side of Lake Wanapitei. So for the residents of the Wahnapiatae First Nation to get to my closest constituency office, it is a five-hour drive through two other ridings, and one of those ridings is Nickel Belt. With the federal boundaries, they are in Nickel Belt.

So it's very confusing not only for a lot of people but, most importantly, for the residents of the Wahnapiatae First Nation. Their community of interest is in the riding of Nickel Belt. They have to drive through the riding of Nickel Belt to get to the riding they're now in because there is a physical constriction called Lake Wanapitei. They have to drive all the way around Lake Wanapitei.

It would make much more sense, from an economic point of view, but also, most importantly, from a representation point of view; and specifically because they are a homogeneous group.

The Wahnapiatae First Nation has requested this change. From all practical points of view, this makes a lot of sense.

The reason we are putting this amendment forward right now is because with this act coming forward, we can actually do this. All the parties agree.

The Acting Chair (Ms. Cheri DiNovo): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: I certainly understand that. I think, along with motion number 2, it would selectively alter the boundaries of two of Ontario's 11 northern ridings. I understand the distances up there. I've driven through your lovely riding. I know that those kinds of things are an issue.

When you look at fairness—that's what we're trying to do here. I know this is a particular issue with this particular group, but if one change to the northern boundaries is made, other changes would have to be considered. From what I understand, there weren't a lot of amendments or requests that came in regarding this.

What worries me a little is that—if this was the only group that this would matter to, that might be an issue. But if we made the change to this particular group, it would open the floodgates to others that may want to align themselves with other areas and change their boundaries as well. Overall, that might get us into some controversy with pitting one community against the other.

I know that we need to move forward on this particular bill to ensure that around the next election, we've got things in place for our boundaries. As I said before, further changes to the boundaries could be considered in the future, based on the population and shifts in growth, as well as some of the other factors. But again, I just

want to say that opening the door to many others in the bill at this particular point doesn't seem fair to me.

The Acting Chair (Ms. Cheri DiNovo): Mr. Hardeman, further debate?

Mr. Ernie Hardeman: I didn't get the opportunity to attend all the public hearings and presentations to this bill, but I did hear the part from the elections officer of Ontario. His concern was in fact exactly what the parliamentary assistant was talking about—the fact that we have changed, from the original inception, from them all being contiguous with the federal ridings. We have added and left one extra one in northern Ontario. From 10 years ago to now, that's exactly the same place we're in today. We're having one more riding in northern Ontario than the federal ridings are going to be.

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But then he went on to say that that creates a challenge in northern Ontario, too. Obviously, just because you've decided to keep one more than the federal doesn't mean that the boundaries of those 11 should not be changed; it means you should review that each time. You have the boundary adjustment commission doing it federally. If we're not going to be consistent with the federal one, we should at least look at that and say, "Is the population being well-served by the boundaries of the 11 that are there, as opposed to by the number?"

If you took the federal ones, it's strictly by the number. But then, they would review the population in each one and the jurisdiction and, in this case, the community of interest, and they would look at this almost automatically and say, "Well, that makes good sense. The people can't get to the centre of operations of the riding that they're in, yet right across the lake there's another riding that they could be part of." It doesn't distort the population. It seems like a perfect time to do this.

Now, the parliamentary assistant's comments about it opening the floodgates—I would hope that it does open the floodgates, so 10 years from now every place where something like this is needed, the people will come forward and say that it's possible to correct it. Up until now, nobody realized that it was possible to correct it, so we have such a major problem, where it's putting a community totally apart from their normal community by this law.

We can fix it here today. Incidentally, that's why we're here: to make this work better. If we have to take it exactly the way it is because not enough people asked for it or we weren't prepared for it, then why are we having public hearings and why are we having this debate? Why didn't we just say, "We're going to leave everything in the north the way it is and we'll go with the federal ones in the rest of it?"

We're here because there is an opportunity to make it work better. I think that's what we should be doing and I would ask them all to seriously consider looking at it and saying, "This is going to make it better for these folks." It's not going to make one iota of difference to anyone else in the province. There may be other ones in northern Ontario that want that, but denying this one just because

we haven't gotten proposals to fix all of the other ones that may or may not be there I think is a mistake.

I think we should move on this one and, hopefully, 10 years from now, every boundary that needs changing—they will all be here to put their case forward as to why. Even though we all agree that we're going to keep 11 seats there, let's make sure they're designed in the most cost-effective and most congenial way that we can do it for the people who are there.

It's not going to impact how governments are elected. It's not going to impact anyone in southern Ontario. That's why it didn't make any difference to the people in southern Ontario when we, as a province, decided to have 11 ridings in northern Ontario, rather than the 10. We all accepted that was the right thing to do. I think, today, the right thing to do is look after this reserve so that it can go into the riding that is more receptive to their community.

The Acting Chair (Ms. Cheri DiNovo): I have a speakers list now: Mr. Vanthof, then we'll go to Mr. Berardinetti and then to Ms. McGarry. Mr. Vanthof.

Mr. John Vanthof: Thank you, Chair. I'd just like to put a couple of things on the record regarding the floodgates. I hear you. The floodgates should open for every community that can prove—for the members of that homogenous community, the Wahnapiatae First Nation, the only way to get to the riding which they're in is to physically drive five hours through two other ridings. I would ask every other riding and any of the members here who have parts of their ridings where you have to drive five hours through two other ridings—they should also be here requesting, on behalf of their constituents, to be better served by their electoral boundaries.

The Acting Chair (Ms. Cheri DiNovo): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I'm listening to the debate and I think that both opposition parties are making some valid points. I just have to put this on the record.

I started in 1988 as a politician, like an old politician—I'm an old man. I started in 1988. I had a ward in Scarborough. It was called ward 4 in the city of Scarborough. It had about 25,000 people. My ward was a narrow strip that went all the way south to St. Clair Avenue and all the way to the 401 in Toronto, between Birchmount Road on one side and Midland Avenue—so a small, narrow strip. The bottom part provincially was Scarborough West, and it was represented years ago by Mr. Lewis, the former leader of the NDP, and then it was represented by other people as well. Scarborough Centre was part of it, and then they had Scarborough—Ellesmere, it was called; it was a strange name, but it's gone now.

We had three different provincial representatives, and I was the city representative for Scarborough. We had at least—I think—two federal ridings in my area; they used to overlap. What happens is, there's always electoral change. When the city of Toronto became this megacity in 1997—I was elected—an interesting thing happened. We had 57 members on our council—the mayor and 56. We asked for one more for East York, and Mr. Harris and the Conservatives were willing to do that.

But I remember before Mr. Harris got elected and became Premier, he put a flatbed truck in front of Queen's Park here, and he put a lot of chairs in front—I don't know the number, 17 or 23—and he said, "If I get elected, I'm going to get rid of X number of seats." And to prove the point, the flatbed truck started moving out of the south part of the building here, and Mr. Harris said, "Like that, I promise to get rid of these seats." I think Mr. Hardeman is more experienced than I am; I don't know how many seats, but I defer to him as he's probably the most senior member present here today.

We've had electoral reform. I was sitting on the megacity when, on a Thursday afternoon, getting a drink at a council meeting, the Minister of Municipal Affairs at that time, Tony Clement, phoned the mayor, Mel Lastman, and said, "You have to reduce your council from 57 to 44 representatives." He said, "Either you do it, or we'll do it."

I was made chair of a committee, and we basically had to get rid of 13 city ridings. Since I was the chair of the committee, people were not happy: They were trying to run boundaries through people's backyards and through creeks, whatever, to keep the strongholds when we redrew the boundaries. We did it the right way at the time, in 2000, and that was by putting two city councillors in every federal riding. Now that's changed over time, because the ridings—the changes in the south as well—so now in my provincial riding, I have three city councillors, not two. This happens; we've seen it. They do the change federally, and every time period that they do it, the boundaries change.

I think the government wants to have proper representation. People were really upset at the city of Toronto when we had to get rid of those 13 seats. I was upset when Mr. Harris removed a number of seats here. We're doing something which I think is good: We're following the federal boundaries here provincially, but we are keeping a seat in the north.

People would say, "Well, why are you doing that? That's illogical," because if you allow that to happen, then maybe we should allow an extra seat in Toronto. Toronto may want one, then Ottawa may want one, and then Sudbury may want one. I think the message here is that we're putting—we keep one extra seat in the north, and we're doing that here today.

There's a valid point that was put forward by Mr. Vanthof—I just call him John—and Mr. Singh regarding this riding. There's going to be more electoral reform in the future, and I'm sure that probably that will happen eventually. I may not be a politician at that time, but the changes happen. They start federally, and we try to follow them. Then the cities change as well. I think I'm going to support the government on this, and oppose this motion.

The Acting Chair (Ms. Cheri DiNovo): Ms. McGarry.

Mrs. Kathryn McGarry: I've listened carefully to the debate, and certainly I do recognize some of the challenges of this particular area, but again, I go back to

my original point that it would selectively alter the boundaries of two of Ontario's 11 northern ridings. As I said, I know the member from Oxford was talking about people who may be wanting to open that up too and change their boundaries to make sure that they have the same access to our decision to alter the boundaries as this particular group.

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I go back to the point that it's just this one group that has come forward to ask on this, and there may be many others. The commission has done its work over a long period of time. We've looked quite carefully at the boundaries up there, trying to maintain the 11. I just feel that opening the floodgates to other requests to alter the boundaries may indeed happen, but at this particular time it may not be appropriate. That could go into the next round of looking at where the population changes have occurred and where it makes most sense for folks in the north, especially with the long drive to go.

But I'm just concerned that this would be seen unfairly by some of the groups that didn't come forward to ask for this, recognizing that this particular group may get what they wanted if we were to adopt the NDP motion, but others may say, "Well, why not us? We have the same issues in our community. Why can't we do it?" We've already made the decision going forward, and that, to me, would be unfair.

We continue to think that the fairest and most cost-effective approach is to adjust Ontario's provincial boundaries, to adopt the 111 new southern federal ridings and maintain the existing 11 provincial northern ridings in their current form. This doesn't mean that, moving forward, if this bill is to pass, we won't find some of those groups and maybe put together more of a robust list of folks who want to look at changing their riding boundaries in the future and do it all en masse. This, to me, just opens the door to a bit of unfairness.

The Acting Chair (Ms. Cheri DiNovo): Mr. Singh is next.

Interjection.

The Acting Chair (Ms. Cheri DiNovo): We're keeping a list, so you're on it. No worries.

Mr. Ernie Hardeman: Okay.

Mr. Jagmeet Singh: Okay. Let's just be really clear and straight up. There's a whole portion of ridings that are going to mirror the federal ridings, including new ridings. No issue there; no one's raised any concerns around that. In the north, we're maintaining an extra seat. No issue there, and no one's disputing that.

In one specific instance, there is a community where the entire community is homogenous and they've said very clearly, "We want this change." The change is the following: As it stands right now, geographically they cannot get to their representative unless they drive through two ridings in a five-hour drive. That's all that's in dispute right now. One community has to drive through two other ridings for five hours. We're not saying that we need to reduce the number of seats in the north. No one's saying that. We're not saying that we

should change the boundaries in the south. No one's saying that. One community needs a change. They've asked for the change.

To Ms. McGarry's point about the floodgate and fairness: If no other community asks for a change, it's very hard for them to then say, "It's unfair to us." They didn't ask for the change. This is the one amendment we have in this entire debate process. If we can't show that changes can be made, how would any community know in the future to bring forward their concerns? This is a great opportunity for us to show leadership and say, "Yes, you can actually raise concerns about the effectiveness of your boundaries, and elected officials will listen." If you don't accept this, then people will say, "There's no point in us raising any concerns, because no one's going to listen to us anyways."

We have a legitimate concern. It makes sense. We don't want this one reserve to drive five hours through two ridings to be able to reach their representative. It doesn't make sense. They should go to their nearest representative. They're asking for this change. It's one change. It's not going to hurt anybody. It's not going to impact anyone negatively. It's actually only going to help, and it only makes sense to support this.

None of the arguments proposed by the government make any sense at all. I'm implore you to give me a reason that actually has some sense to say, "No, we can't do this." There's no sensible reason to deny this claim. To suggest that if they do this it's unfair to others doesn't make any sense. It's not unfair. Other communities can come forward when they have an opportunity. Now that they know that it can be done, they will come forward. This is the only community that's come forward. This is the only amendment we have. To allow this to happen is the right thing to do, and then other communities can say, "Hey, we can make changes in the future." That's great.

But why should we put this change on hold just because we want to say we have to fix the entire system in the north, or the entire system, and people might come in and have changes? That's great if they come forward with changes. Let's encourage that, so we have the most efficient riding system in the province or in the country.

I think this is a very sensible amendment. It's a request that is logical. It would benefit a community. They're asking for this amendment. I can't see any argument that makes sense to deny this amendment.

The Acting Chair (Ms. Cheri DiNovo): Mr. Hardeman.

Mr. Ernie Hardeman: I think we're missing the point of how we got here. I may be the only member of the committee who was here when this process started when, in fact, we had the first riding redistribution where we became coterminous with the federal boundaries. At that point, it was decided that we would stay that way. We would not have to pass a new law after each riding redistribution; we would just automatically pass a resolution to accept the federal boundaries.

In 2003, during an election process, the party presently in power and coming into power in that election said that

they would never reduce the number of ridings in northern Ontario. So when the next riding redistribution came up, the federal one went to 10 ridings in the north, so then we had to have this process.

I think the government members need to understand this process that we're doing today is the provincial riding redistribution process. It's where we are not coterminous or consistent with the federal boundaries. We can wait 10 years when they do it again and we can have the same discussion, or we can make this be the one time that these people have their problem addressed, because they say there's a problem. It's not a federal problem, so when the federal government did the redistribution discussions, this didn't come up because this was already done in theirs.

Now, when it comes here and we're doing the provincial part of it because we're not consistent with the federal one anymore—this is strictly for the province and this is a change that needs to be made this time. Now, next time there may be more. Next time, it might even be that somebody wants to change the number of members in the north. That may be true. It would be this process, this meeting, where that would take place.

So I think we're losing sight of the fact that why we're here is not to rubber stamp the federal one, because ours is different. What we need in ours, which the federal government decided a long time ago—it's rather interesting, too. I just want to point out that when the federal government put this with the other riding, they didn't do it because they were increasing the number; they were actually decreasing the number of members, and they moved it over there. We're not talking about decreasing the number of members; it's just that that's the community. Even with fewer members, that's the community that this community fits with rather than the one where they presently are.

I think we're hiding behind a false screen when we're saying, "Well, maybe next time we can do that, but right now we're just here to rubber stamp what we've always had," because this is the only opportunity these ridings in the north will have to have input in the boundary adjustment.

The member mentioned the ones in the 905. The study this time made major changes, not because they didn't like the representatives or anything, but it was to do with proper representation. So we've got more ridings. But the federal government did it in the north, too, but we didn't.

All this is saying, and I think the Attorney General critic made it quite clear: All we're doing is doing our part for the boundary adjustment in northern Ontario because this makes good sense for the people. It has no impact on others, but it's doing the boundary adjustment in the area where the federal government didn't do it for us because we're not consistent with them in the north. I just can't see any justification—at least I haven't heard any from the government side—that would say that we shouldn't do this today if these people want it.

The Acting Chair (Ms. Cheri DiNovo): Mr. Vanthof.

Mr. John Vanthof: The member from Oxford made many good points, and one in particular: I think we all

agree that we'll leave the extra riding in northern Ontario. The argument that we're making is that northern Ontario isn't static. So while there are changes being made in the south to reflect the communities, what the government is saying is that, "Well, we're keeping that extra riding so nothing else changes in northern Ontario." That's what drives northerners nuts. We're actually putting forward something that makes sense: 100 people in the Wahnapiatae First Nation—I don't know how big Lake Wanapitei is, but you certainly can't swim across it or boat across it in half a day. It's a physical divider between them and the rest of the riding. It's five hours to get to the next person, in Timiskaming–Cochrane.

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This government is saying, "Well, maybe next time." Well, how? Why can borders in the south be fluid, and people actually take some time to see how they would make the most sense, but yet in northern Ontario it remains static? Because, you know what? We're just token northerners. People really don't care.

We have a meeting here with the First Nations, in this same building, and at the same time, this government is denying the Wahnapiatae First Nation the right to be adequately represented in this province because, "We haven't really taken the time to look into it." That's basically what you're saying. It's unfathomable that while you say you care about First Nations, we're giving you an opportunity where there is a First Nation that is basically stranded in the wrong riding—and it's not about me getting to that riding. It's about those people being served in the riding where they are residents. The way they are now, they are not adequately served.

It's unfathomable that you sit there and say, "Well, you know, the ridings"—and Mr. Berardinetti made a good point about how the ridings are fluid, and you change as a community changes—great point. Why isn't that allowed in northern Ontario? Why is everything static?

My last point: It drives people in the north crazy because when we hear comments like this, deep down, we know that we're not really part of the province, because we're not afforded the same opportunities as other parts of the province. That, in the long term, has got to stop.

Today, we could make a decision that actually serves the people, serves this First Nation, and it wouldn't impact anyone else in the province.

The Acting Chair (Ms. Cheri DiNovo): Further debate? Ms. Mangat.

Mrs. Amrit Mangat: I do recognize what the member from—

Mr. John Vanthof: Timiskaming–Cochrane.

Mrs. Amrit Mangat: —Timiskaming–Cochrane, yes—is talking about. But the point we are missing here is that Ontario doesn't have an independent boundaries commission. The boundaries were drawn by the independent federal commission. That's why we are mirroring it. If we now create an independent boundaries commission, it will cost money and it will cost time. We

are saving time and money. On top of that, we are keeping 11 ridings in the north instead of 10, so that northerners can have effective representation in the Legislature.

So I don't support that.

The Acting Chair (Ms. Cheri DiNovo): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I'm not going to go back to the "old politician" argument that I brought forward earlier, but I do want to say one thing. In 1988, when I ran, there was one election day and there was one advanced polling day. That was it. So if people couldn't make those two dates, they couldn't vote.

In the last election, we had in the province at least a week—maybe I'm wrong and it was five days—but several days to vote in the advanced polling. The city of Toronto—and I don't want to centre on the city of Toronto. What the city of Toronto does is they've reached out. People in hospitals—my mother was in hospital when the last city election happened—actually, when my last election happened as well, and then she passed away. She was in a hospital outside of the riding, but she was recognized as a constituent. I came to visit her one day. A person from Toronto elections came by and said, "Where is Mrs. Berardinetti?" We said, "We don't know. She has been moved to another room." They were going to try and hunt her down.

We have a voting tablet. A person can vote by hitting the tablet and choosing their candidate. Three years of technology—the next election will be three years from now. We're all on BlackBerrys and iPhones, and we're all using these devices now. Twitter wasn't around three years ago, and a lot of other technology wasn't around three years ago. Three years from now, I would hope—I can't propose—that there would be technology that the person can stay in their home, walk down a street, and vote. No one is against the right to vote, but the way people vote has changed a lot. It's got to be more and more accessible.

I support that argument. I put a private member's bill forward to change the Election Act of Ontario and to increase the hours of voting time; well, it was actually for the city of Toronto to increase their time, but I think what also has to happen is, the way people vote has to change as well. If the member brings forward a private member's bill and wants support for more technological ways to vote—there's no boundaries when it comes to technology. You can vote on a tablet, on a computer or even by phone perhaps. The old-fashioned ways of having to go on election day or one day in advance—or now two days, or whatever it is in advance—have changed. Those are gone.

Someone could say, "I can't afford a computer. I can't afford an iPhone." Okay. Perhaps there could be one location nearby where you go to the voting booth and inside there's a computer, a tablet, a BlackBerry or an iPhone, whatever, and you vote on that; or you don't even have to leave your house, you just vote by making a phone call; or someone comes to your house and allows

you to vote with a tablet. So that washes out the whole argument regarding how far you have to go to vote.

Three years is a long time when technology is considered, where we come from technologically. I think the days of the pencil and the small little voting paper are long gone. A few years from now, perhaps the representative and the member from Timiskaming-Cochrane don't have to move anywhere and the voting is done where they want to vote. That is a better way to do it, and I would support that in the future.

But I think we are making the point of keeping one extra seat in northern Ontario. That's in front of us today. In the future, perhaps the people in his riding, people in my riding, people in anyone's riding in Ontario can vote with their electronic device, or someone comes to visit them with an electronic device and explains to them—in parts of South America, I've seen the ballots there. People are illiterate, so instead of voting for the name, they have a photograph of the candidate and a photograph of the symbol of the party. That's how they vote there.

We're not denying the democratic right to vote. We're passing a bill to basically simply say we're allowing one extra seat in the north and we're keeping the seats aligned with the federal—because a lot of people have asked me over the years. This last time when they did this redistribution, I lost my whole community. My base, where I grew up, where I went to school and everything, was shoved into a different riding. Some may say, "Well, that's not a big deal." But if the boundaries change, it's hard to predict what you want to do provincially, federally.

They had their hearings—the opportunity to go and have a whole bunch of hearings, and everyone wants to make their changes. It becomes confusion and disorganization.

I honestly and sincerely feel the concerns of the member from Timiskaming-Cochrane, and I think the best solution is to perhaps in the future put something forward regarding technology. Three years from now, who knows where we will be, technologically?

The Acting Chair (Ms. Cheri DiNovo): Mr. Vanthof.

Mr. John Vanthof: A few points I'd like to add: The argument here isn't about voting; it's about serving the community after the vote is over. In northern Ontario—first, before we go to electronic voting, perhaps, do you know that most of my riding doesn't have Internet? Do you realize that large parts, the vast majority of northern Ontario, does not have the services we have? Do you realize that in a large part of northern Ontario, and specifically that part, there is no public transportation—none. The only way you can move in that part of the world is get in your car, providing the roads are clean—providing. Okay?

This isn't about voting. This is about serving the constituents, as we all do, after the vote is over. We're not trying to gerrymander the riding for votes. What we're trying to do is so that after the election is over, regardless of who wins or loses, these people are actually

served, can be physically served. In northern Ontario—and I'm sure in the rest of the parts of the riding, too, but I only know northern Ontario—when people have a mental health issue and want to look for treatment, do you know where they go? The constituency office. When they have huge problems with ODSP, where do they go? The constituency office. When they can't find a doctor, where do they go? The constituency office. Right? It's all the same.

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But these people, the 100 people who live on the Wahnapiitae First Nation, represented by Chief Ted Roque, can't get to their constituency office unless they drive through two other ridings, because you know what's not going to change in the next two, three or 3,000 years? Lake Wanapitei is still going to be there. Why don't we take this opportunity now to actually serve those 100 people to ensure that when the next provincial election comes around, regardless of who wins or loses, those people are actually served by an MPP and by a staff whom they can actually access?

Because if you think about it—think—if someone wants to go see and arrange a meeting with one of you, it's five hours, folks. It's five hours there and five hours back, providing the weather is good. You can sit there and tell me, "Well, maybe we can change this someday in the future when we have the chance." This isn't going to cost anyone anything. It's one change, for no other reason than Lake Wanapitei is right there and someone drew the line around Lake Wanapitei and lo and behold, those 100 people, the Wahnapiitae First Nation, happened to be on the wrong side of Lake Wanapitei, according to the boundaries.

We're used to long distances in northern Ontario. There are lots of my people who have to drive that long. But this is about forcing people to do something that absolutely does not make sense and would not be tolerated anywhere else in the province. But this government says, "No, no. In northern Ontario, we'll just let them suffer," because somebody in some corner office said, "You know what? We're not going to do this because it's just too much trouble." That's all this is: It's just too much trouble. The 100 people in the Wahnapiitae First Nation are just too much trouble to actually do something that would make perfect, perfect sense.

It's not about voting; it's not about voting for any of us. It's about serving the people. Right now, we're not serving these people adequately and we could change that today.

The Acting Chair (Ms. Cheri DiNovo): Ms. Martow and then Mr. Hardeman.

Mrs. Gila Martow: I've been listening and I'm quite shocked. I've only been here for maybe a year and a half. What I wanted to do is to suggest a recess. Maybe the government side could speak to their advisers who are advising them not to support this, because they were given some reasons not to support that are obviously coming up inadequate. We need to hear some adequate reasons. It's actually embarrassing, to tell you the truth, because I'm just not hearing any sense of reason.

The whole point is to look at how to serve people better. We can't think of everything, and that's the whole point. We come to committee meetings, and we can't possibly think of everything, but here is something that has been given to us to put some thought into. I would suggest that, as representatives, we represent not just our ridings but we represent everybody. So if there's some new information that the government wants to put forward, if they need a recess to go get that information, then maybe we need to have a few minutes' recess.

The Acting Chair (Ms. Cheri DiNovo): Is that a motion that you're making about a recess?

Mrs. Gila Martow: A request.

The Acting Chair (Ms. Cheri DiNovo): A request. I just remind the members that everything has to be wrapped up on this bill by 2 o'clock. So if we take a recess, that's going to eat into that time. It will certainly eat into the debate time. Does the committee agree to a recess?

Mr. Lorenzo Berardinetti: Just one question: That clock says 1:45—

The Acting Chair (Ms. Cheri DiNovo): It's actually 1:45 right now.

Mr. Lorenzo Berardinetti: And you had mentioned earlier, Madam Chair, that the voting must take place by 2 o'clock?

The Acting Chair (Ms. Cheri DiNovo): Yes.

Mrs. Gila Martow: Maybe we want to go on to the next amendment while they—you know? I don't know what to say.

The Acting Chair (Ms. Cheri DiNovo): Mr. Hardeman?

Mr. Ernie Hardeman: Madam Chair, this seems to be the only contentious issue in the bill. For time's sake, I think we should debate this one until the time comes for voting. Recesses can be taken for 20 minutes after the time is up.

The Acting Chair (Ms. Cheri DiNovo): So recess? Yes? No?

Mr. Lorenzo Berardinetti: I hear some debate here so I'm going to oppose the recess.

The Acting Chair (Ms. Cheri DiNovo): I'm hearing a consensus around not having a recess but continuing the debate. Mr. Hardeman?

Mr. Ernie Hardeman: Madam Chair, I just wanted to point out that we keep hearing from the government side that there will be another opportunity. What we need is a boundary commission for northern Ontario. I think that's what I heard from some members. We wouldn't want to make a decision that has greater impact than what we're talking about here. It's possible that it affects other ridings too, so maybe we should have a boundary commission.

I would point out that under the present structure, this is the boundary commission discussion we're having here today because we don't do that provincially anymore. We have—what shall we say?—given that over to the federal government to do, and we have taken back just the northern Ontario part. That's why we're having this

debate. This is the boundary adjustment commission or the end result of it.

I would point out one thing: The only time that this issue has gone to a boundary commission, the boundary commission said, after they talked to the people and made all the decisions, that this is the answer, that this reserve should be on the other side of the lake because that's where it is federally. They did all the study. They did all the work. They presented it to the people and they said they weren't asked to reduce the number of seats, because the province wasn't interested and shouldn't be. But they did say that whether it's 10 seats or 11 seats, this reserve should be on the other side of the lake. It should be with the people on the other side of the lake.

I think this is not only an opportunity for this committee, I think it's an obligation for this committee to look at it. This is the last time we're going to be talking about this for 10 years—at least 10 years. To suggest that we need a little bit more study and we need a little bit more review or that we need to appoint a judge to look at the other boundaries, too, would at the very best be at least 10 years away.

If you look at it seriously—forget the talking notes that you got just coming into the committee, and look at it—is the change that you're looking for here? After you've heard what it will do, is it enough to force these 100 people—every time they want to talk to the member from Timiskaming-Cochrane personally, it's going to take a 10-hour day to go and talk to him to see why government services aren't being provided in the way they should be. For those 100 people, that is unacceptable. If you just make this change today, you're going to have them much closer, and they can actually deal with the representative on the other side.

Except for the talking notes that you got to start with, I can see absolutely not a single reason so far, as Ms. Martow said, that has suggested that there's any reason why this couldn't proceed. If you really believe that you need that extra time and to wait for 10 years—I just want to point out that if you agree with it today, 10 years from today you can turn it back. But I'm willing to bet that will never happen, because this makes too much sense to ever come to the conclusion that that was a mistake. There may be others that you want to make after that, but I can't see anywhere that anybody could justify, after moving this to the side where people can be served appropriately by their local member in any way, that anybody would ever think that it should be turned back the other way.

With that, I have no more to say. I think I've said it all.

The Acting Chair (Ms. Cheri DiNovo): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: Again, coming back to Bill 115: What we had in front of us was a number of boundaries that we would be passing in their current form. I certainly understand the arguments here, but I have been part of the process in our federal boundaries review, and I know it took a lot of time and a lot of

consultation throughout the province to determine what our new federal boundaries were going to be—and that's without talking notes.

I do understand what the member opposite is saying, but I also understand through my time and applications and appearing in front of the federal boundaries commission how much time and effort it is.

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When I look at Bill 115, I certainly understand the issue before these 100 people in your community. I would like to challenge that if, in North Dumfries township, I had the same in my riding, I would be saying the same things. It's not because these people are in the north; it's not because they're in the southwest; it's not because these people are in the east. I think we've tried to bring fairness, and this is precisely the argument I'm looking at there.

I do know right now that keeping the 11 ridings in the north with their current form is something that we can do today. I know that if we selectively change the boundaries, there may be unintended consequences with other groups that may be changed around because of this. As my honourable colleague here said, I would feel better about having a full review of all of the 11 northern riding boundaries, and we don't have the time and the money at the moment.

The bill that's in front of us is looking at the boundaries that have happened because of the independent federal boundaries commission, and this bill is just asking us to align our boundaries with those without taking extra time, without taking extra money.

When I talk about fairness and I talk about unintended consequences—say we were to change these boundaries and it inadvertently disadvantaged another community. I don't feel I have enough information in front of me as a committee member to be able to make those determinations. That's why an electoral boundaries commission does the work: to be able to consult broadly and widely with many, many communities and put proposals in front of those communities that may be affected by boundary changes, allow them time for consultation, again, like they did with the federal boundaries review that I was a part of, and come back with a proposed change of boundaries. Then you can add some comment and readjust it.

In my riding of Cambridge, this was in fact true. It did divide for the federal, but not along the initial lines or even the secondary plan that they brought forward in terms of altering our boundaries. As a matter of fact, it was on the third round that they finally came up with the new boundaries to create Kitchener South-Hespeler rather than the first two proposals that we were looking at.

I go back to my initial comments. This would selectively alter boundaries—yes, to serve one group of people, but what if it disadvantages another? These are the questions that we can't answer without an electoral commission to be able to provide those comments and consultation broadly.

It's not just that. I understand that this may be one group. I would love to know how many other groups and

other communities may need to have boundaries reviewed. We can do that at a future date and keep this group and this community as one example.

But I think that the member from Timiskaming–Cochrane, who knows his community well—I can’t even imagine how many hundreds of thousands of kilometres you put on in order to service your community, beautiful as it is. I’ve driven through it. But this would be an opportunity to continue to gather some of those statistics in some of the other communities that may be served better and look at, in the next round, readjusting the boundaries if it seems to be a good thing to do.

I really do feel uncomfortable in changing a boundary selectively without the advice and without the counsel of somebody who really understands what it will do to the entire community. Again, I hearken back to the federal boundaries commission that I was a part of in terms of advocating for my own riding that did split—and it was not along the lines that I thought were feasible at the beginning, and yet when they came back at round three with the third proposal, I now understand that it makes sense.

Again, this was not my first idea. The first idea I had was thrown out for a variety of reasons. That’s why I feel uncomfortable sitting in this seat today without all the information, being able to plot things on the map and look at some of the other communities that it may throw off.

I certainly feel for this community, but there may be others. That’s why I talk about fairness. I’d love to open that up. You would be the member who is most likely to know about your community. Certainly, other members in the northern communities, those MPPs, would know their communities best, and they’re not here to advocate for those communities that may not have known this is the way.

To wrap up, I really believe it’s about fairness. I don’t feel that I, as a committee member, have enough information to make a change like that. I know from my own experience that in the riding of Cambridge, the boundaries shifted significantly from my first time with it, and I feel that if we make one change to the northern boundaries, I’d rather be able to open it up so that other communities can do that.

The Acting Chair (Ms. Cheri DiNovo): Further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I can’t understand the logic. The member opposite says, “When the boundary adjustment was done in southwestern Ontario, I made presentations to the commission, and it was three times before they came up with one that the community would accept.” This community accepts this one because the whole area—they didn’t ask the people in Oxford whether they liked the adjustment in Cambridge. That was the people of Cambridge. These people in both ridings where the change is taking place have said this is what they want.

I have to emphasize, last but not least, that this is the boundary commission of Ontario that we’re talking about now. When you had the public hearings, everybody in the

province was coming here to discuss whether the boundaries that the federal government had and that we had in the north were appropriate. This group said, “No, not quite. We need to make this change.”

In Cambridge, it was three times before you finally convinced them to take your choice. These people are here, and they don’t get another shot at it for 10 years. I think it’s a shame that government would take this away from them for 10 more years. I can’t say any more than that.

The Acting Chair (Ms. Cheri DiNovo): Just before we take the vote, the Clerk brought to my attention that when Mr. Singh moved the original motion, there was one part left off, number 11 at the end.

Mr. Singh, could you just reread the motion with number 11 included?

Mr. Jagmeet Singh: I move that the electoral district of Nickel Belt, as set out in the schedule to schedule 1 to the bill under the heading “3. Nickel Belt”, be amended by striking out “All of the territorial district of Sudbury excepting those parts described as follows:” in the portion after the heading “Secondly:”, and substituting “All of the territorial district of Sudbury, excepting those parts described as follows other than that part forming the reserve of Wahnapiatae 11:”

The Acting Chair (Ms. Cheri DiNovo): Are members ready to vote?

Mr. Lorenzo Berardinetti: Just before, I’d like to correct the record, Madam Chair.

The Acting Chair (Ms. Cheri DiNovo): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: When I spoke, I said my mother couldn’t vote for my wife; it was for me, actually. Our election was in June, and my wife’s was in October. I just wanted to correct the record. It was during my election that the provincial people came way out to the hospital to try to get my mother to vote for me. That was outside of the boundary—and they had a tablet. So I made a mistake. Sorry.

The Acting Chair (Ms. Cheri DiNovo): Thank you. Are members ready to vote?

Mr. Jagmeet Singh: Recorded vote.

The Acting Chair (Ms. Cheri DiNovo): Recorded vote.

Mr. John Vanthof: Could I request a 20-minute recess?

Interjection.

The Acting Chair (Ms. Cheri DiNovo): Only voting members can—

Mr. Jagmeet Singh: Can I request a 20-minute recess?

The Acting Chair (Ms. Cheri DiNovo): It’s pretty much 2 o’clock right now, and yes, we—

Mr. Ernie Hardeman: Can I request a 20-minute recess, Madam Chair?

The Acting Chair (Ms. Cheri DiNovo): We can. That’s in our agreement at the beginning. So we will recess for 20 minutes and come back here and vote on this amendment, plus all of the others.

The committee recessed from 1400 to 1420.

The Acting Chair (Ms. Cheri DiNovo): Welcome back, everyone. Just before we took that recess, there was a call for a recorded vote for the third party motion number 1.

Ayes

Hardeman, Martow, Singh.

Nays

Anderson, Berardinetti, Mangat, McGarry.

The Acting Chair (Ms. Cheri DiNovo): The motion is lost.

NDP motion number 2 is deemed moved, and we will move right to the vote on that.

All those in favour? All those opposed?

Mr. Jagmeet Singh: Oh, recorded vote for both. I wanted to make sure—

The Acting Chair (Ms. Cheri DiNovo): You wanted it recorded for both?

Mr. Jagmeet Singh: Yes. I thought it was assumed it was for both.

The Acting Chair (Ms. Cheri DiNovo): It's too late for that one. I'm sorry, Mr. Singh.

That motion is lost.

Shall the schedule to schedule 1 to the bill carry? Carried.

Shall schedule 1 to the bill carry? Carried.

So we move now to schedule 2: Shall I group sections 1 and 2 together? Okay. Shall schedule 2 to the bill and its sections carry? Sections 1 and 2 carried.

Shall schedule 2 of the bill carry? Carried.

We now move to schedule 3. Again, there are 1, 2 and 3 sections of schedule 3. Shall I group the sections? Okay. Shall sections 1, 2 and 3 carry? Carried.

Shall schedule 3 to the bill carry? Carried.

Now on to schedule 4. Again, we have sections 1, 2 and 3 of schedule 4. Shall I group the sections? Yes. Shall grouped sections 1, 2 and 3 of schedule 4 carry? I declare they're carried.

Shall schedule 4 to the bill carry? I declare it carried.

Schedule 5—

Interjection: Carried.

The Acting Chair (Ms. Cheri DiNovo): Wait a minute. Shall I group the sections? Sections 1 and 2: Shall I group them? Yes? Okay. Shall sections 1 and 2 to schedule 5 carry? Carried.

Shall schedule 5 to the bill carry? I declare that schedule 5 to the bill is carried.

In the beginning, we stood down the first three sections, so we need to go back to those now.

Shall section 1 carry? I declare section 1 carried.

Shall section 2 carry? I declare section 2 carried.

Shall section 3 carry? I declare section 3 carried.

Now we go back to the back page again.

Shall the title of the bill carry? Carried.

Shall Bill 115 carry? Carried.

Shall I report the bill to the House? Okay, I shall do that.

I declare that Bill 115 is carried and the title of the bill is carried.

Thank you, everyone.

The committee adjourned at 1424.

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 30 November 2015

Lundi 30 novembre 2015

The committee met at 1401 in room 151.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're here for public hearings on Bill 12, Bill 33, Bill 117 and Bill 141.

SUBCOMMITTEE REPORT

The Chair (Mr. Peter Tabuns): First on the agenda is the report of the subcommittee on committee business. I understand, Ms. Martow, you're going to be reading the report into the record.

Mrs. Gila Martow: Certainly. Your subcommittee on committee business met on Friday, November 27, 2015, to consider the method of proceeding on the order of the House dated Thursday, November 26, 2015, in relation to the following bills:

—Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities;

—Bill 33, An Act to reduce the abuse of fentanyl patches;

—Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of critical injury or death; and

—Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day, and recommends the following:

(1) That the committee Clerk, in consultation with the Chair, post information regarding public hearings on the Legislative Assembly website and the Ontario parliamentary channel.

(2) That the public hearings be scheduled as follows:

—Bill 12 from 2 p.m. to 3 p.m.;

—Bill 33 from 3 p.m. to 4 p.m.;

—Bill 117 from 4 p.m. to 5 p.m.; and

—Bill 141 from 5 p.m. to 6 p.m.

(3) That witnesses be scheduled to appear before the committee on a first-come, first-served basis.

(4) That each witness receive up to five minutes for their presentation followed by nine minutes for questions from committee members.

(5) That the deadline for requests to appear be 1 p.m. on Monday, November 30, 2015.

(6) That the deadline for written submissions be 6 p.m. on Monday, November 30, 2015.

(7) That the committee recess from 6 p.m. to 6:45 p.m. on Tuesday, December 1, 2015, if required.

(8) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the subcommittee report to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Any discussion? There being none, are the members ready to vote? Shall the subcommittee report be adopted? All those in favour? All those opposed? It is carried.

PROTECTING EMPLOYEES'
TIPS ACT, 2015LOI DE 2015 SUR LA PROTECTION
DU POURBOIRE DES EMPLOYÉS

Consideration of the following bill:

Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities / Projet de loi 12, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les pourboires et autres gratifications.

The Chair (Mr. Peter Tabuns): We now move to public hearings on Bill 12. Each presenter will have up to five minutes for their presentation, followed by up to nine minutes of questions from committee members which will be divided equally among the three parties. We will start the rotation with the official opposition.

ONTARIO RESTAURANT HOTEL
AND MOTEL ASSOCIATION

The Chair (Mr. Peter Tabuns): Our first presenter: Ontario Restaurant Hotel and Motel Association. If you would have a seat, introduce yourself for Hansard and please begin.

Mr. Tony Elenis: Good afternoon, Chair and committee members. I am Tony Elenis, president and CEO of the Ontario Restaurant Hotel and Motel Association, known as ORHMA. Today, I am here on behalf of approximately 11,000 ORHMA members to address Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities.

ORHMA does not support more red tape; however, we have been active and instrumental in obtaining changes

to the legislation and we support the intent of Bill 12. Over the past year and half, the ORHMA, together with the Minister of Labour, the Honourable Kevin Flynn, and Arthur Potts, MPP, the author of this private member's bill, have discussed and mitigated policy costs for our members.

A common practice in many establishments, including restaurants and hotels, is that tips and gratuities may be pooled and shared by a variety of employees. Once these gratuities become part of the controlled tip pool as defined by the Canada Revenue Agency, they are subject to payroll taxes and remitted by the employer.

In the hotel community, gratuities are part of negotiation during collective bargaining or, in a non-union environment, gratuities becomes part of the wage and benefit discussion during the employment process.

ORHMA supports the provisions of Bill 12 that recognize and allow for the continuation of tip pooling to support those that are part of the service delivery that leads to the guest experience.

ORHMA is recommending, where tips and gratuities are charged on a credit card and the employer must pay the credit card company a percentage or merchant fee on each sale, that the employer pays the employee the tip less the merchant fee cost of the gratuity tip component of the bill. For example, where a credit card company charges an employer 3% on sales charged to its credit service, the employer pays the tipped employee 97% of the tips.

The ORHMA strongly recommends that the government enable this process through a regulation as part of Bill 12.

The ORHMA supports the intent of the legislation and looks forward to working with government to ensure smooth implementation of the bill for both our employees and customers.

Thank you for your time and consideration.

The Chair (Mr. Peter Tabuns): Thank you very much, sir.

The first questions go to the official opposition. Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in, and thank you very much for your presentation.

I think that if the public realized that the staff had to pay a percentage back to the employer because of the charges on credit cards, they might push themselves to leave a cash tip. So I think that maybe a bit of public awareness is in order, because I think it's complicated for the employer. It's a lot of paperwork for them, don't you think, to have to pay back—it's almost like they're going to want to charge a service fee. How would the employee know if the company is paying 1.9% or 2.9% to the credit card company?

Mr. Tony Elenis: It does need education and awareness. I think that should have been there right at the beginning when this private member's bill—back two or three years ago—was initiated.

Mrs. Gila Martow: Are you hoping that tip pooling—you think it's a positive experience to pool their tips, or do you think it's sometimes unfair?

Mr. Tony Elenis: I think it's very positive. There's more than one person that is behind the service and, of course, as I said earlier, the guest experience. There are many people who work very hard in a restaurant to contribute to that guest satisfaction.

Mrs. Gila Martow: Okay. Well, thank you for coming in. No further questions.

The Chair (Mr. Peter Tabuns): Okay. Thank you.

To the third party: Mr. Singh.

Mr. Jagmeet Singh: Thank you so much for being here today. I understand that you've just spoken a bit about how pooling has been successful. How would this change to the law impact the industry in a negative way? Would it really impact the industry in a negative way?

Mr. Tony Elenis: I think the intent of the bill, as it's going through—it will be welcomed by the industry, and it will protect those that are doing a fair job. Those that are not should not be doing it anyway.

Mr. Jagmeet Singh: Perfect. So you're in support then of this—

Mr. Tony Elenis: Absolutely.

Mr. Jagmeet Singh: Okay. Is there anything else that you can recommend, broadly speaking, that would benefit the service industry as well as the industry in general more than we could incorporate in this bill?

Mr. Tony Elenis: Well, in this bill—I believe we've worked on this for a long time. We feel that it has all the signals that it needs—all the messaging that it needs. The industry, as many of you know, is in razor-thin margins, with 1% to 2%, and they need all the support they can get. The credit card fees are astronomically high in this country. I know that is being dealt with at the federal level, but it's a lot of money not to leave on the table and for employers to pay the CRA.

Mr. Jagmeet Singh: Okay. So credit card fees is one major area where you think there could be some reform that might help out the industry.

Mr. Tony Elenis: Yes.

Mr. Jagmeet Singh: Any other areas that you think, broadly speaking, could benefit?

Mr. Tony Elenis: Not in this specific bill, in the intent of it.

Mr. Jagmeet Singh: Okay. And, in general, have you heard complaints about this issue around tips not being distributed in a fair manner? Is that something that has come up, in your experience?

Mr. Tony Elenis: Well, we've heard so many different thoughts, and it depends what school of thought you have. But at the end of the day, I think, generally, it is a fair system to have a mix to support all those who support that service delivery.

1410

Mr. Jagmeet Singh: Excellent. Thank you very much for being here. I have no further questions.

The Chair (Mr. Peter Tabuns): To the government: Mr. Potts.

Mr. Arthur Potts: Thank you, Mr. Elenis, for coming down, and thank you for the work that your industry has

done with us in order to try to get the terms of this correct.

I'm particularly interested in the fact that, from an association perspective, you represent restaurants. I know that in the 11,000 restaurants you represent, there will be some who won't be very happy about this, and I want to commend you for the leadership you've taken. Maybe you could speak to how you see this affecting the vast majority of owners who do it the right way.

Mr. Tony Elenis: First of all, integrity and fairness should be part of any business. Those who do not have good practice standards—especially with employees, who are the biggest asset in a business, especially ours—should be applied punitive actions on it.

I believe that, for the most part, the industry will welcome this bill, as it is intended to do, and that it will be able to be something fair. It's as simple as that. I think communication and education, as was pointed out earlier, needs to be topped along with it, but it's a fair regulation.

Mr. Arthur Potts: I've talked to a lot of the large chain owners, who have, as a part of policy—it's very clear that the benefit of the tip goes to those who participate in the service, and that's what it's intended for. I think that's the clarity we're bringing.

I'm also interested in your piece on the collective bargaining process. Do you think we've got the balance right here? I mean, collective bargaining is sacrosanct. People come together, they get a deal, and the deal includes wages, it includes working conditions—a whole bunch of aspects. You're satisfied if we're leaving the terms and conditions up to the bargaining parties?

Mr. Tony Elenis: Right. There's a negotiation that takes place on both sides, employees and employers, and there's an agreement there.

Mr. Arthur Potts: That's fantastic. I think I'm good there. Thank you.

The Chair (Mr. Peter Tabuns): Thank you, sir.

Mr. Tony Elenis: Thank you.

RESTAURANTS CANADA

The Chair (Mr. Peter Tabuns): Our next presentation: Restaurants Canada. As you've observed, you have up to five minutes to speak, with three minutes per caucus for questions. If you'd introduce yourself for Hansard.

Mr. Jamie Rilett: My name's Jamie Rilett. I'm vice-president in Ontario for Restaurants Canada.

Many of my comments will be the same as Tony's, so I won't dwell on them. I'll try to make it really quick.

As with Tony, we have met with Mr. Potts and worked on this quite a bit. We've met with the Ministry of Labour on the previous iterations of this bill. The changes that they helped facilitate were, we felt, necessary and were appreciated. So we're supportive of most of what's in the bill.

The premise of the bill does take us aback sometimes. It seems that this government wants to constantly attack this industry and act like all we want to do is take

advantage of people. But we appreciate the changes that have been made, and we concur with the bill as it stands now.

One thing that's happening in this industry is that the whole issue of tipping is being looked at. While this doesn't affect the bill directly, some restaurants are looking towards a no-tipping policy and some are looking at different ways of sharing tips. It's all complicated by the CRA, which limits the ability of restaurateurs to enter tip-pooling systems. Any time that the management or ownership are involved in a tip-pooling system, it's considered a controlled tip, so then both the employer and the employee lose because then source deductions have to be placed on that tip.

It is a system that's constantly changing. We would welcome the opportunity to discuss this system with the government in their current consultations with the Ministry of Finance, looking at the way they deal with businesses—cash-heavy businesses, especially. But overall, we agree with how this bill has evolved over the years and we will support the bill.

The Chair (Mr. Peter Tabuns): Thank you very much. The first question is to the third party. Mr. Singh.

Mr. Jagmeet Singh: Thank you for being here and for your presentation.

First we'll touch on the bill: How widespread do you think this problem is around the issue of tipping and fair sharing of the tipping? Is that something that has come up often, in your understanding?

Mr. Jamie Rilett: It never comes up, to tell you the truth. The only issue that we've heard about it from is through previous iterations of this bill. It has never come through my desk. I'm not saying it doesn't happen; it's just never been an issue that has been brought to our attention.

Mr. Jagmeet Singh: Okay. And there may be various reasons for it not getting to your desk. It might be the fact that folks that are facing this don't feel comfortable to bring it up to the point where it would get to your desk, I guess.

Mr. Jamie Rilett: I can't say. I would never want to assume something is happening, but I can't say it's not happening, is I guess what I'm saying.

Mr. Jagmeet Singh: Okay, fair enough.

You indicated something around the way the industry in general is being treated by the government. Could you just expand on that?

Mr. Jamie Rilett: Yes. It just seems, through menu labelling, through bills like this, through tax policies, they see our business as a cash cow, but yet there's never any indication of ways that they can help us.

Our industry is one of the lowest returns on investment of any industry, but we do provide very good jobs for first-time employees, and we were the number one new-job employer last year. So even though they're not often considered the best jobs, they are a foot in the door; they do get people started with their career. I would estimate that a lot of people in this room started in restaurants.

Mr. Jagmeet Singh: Okay.

Sorry. How much time do I have left?

The Chair (Mr. Peter Tabuns): You've got about a minute and a half.

Mr. Jagmeet Singh: Okay, excellent.

What would be some strategies that would assist the industry, broadly speaking?

Mr. Jamie Rilett: Well, I think that a lot of the apprenticeship programs specifically leave us out of the programs. These are jobs that are highly skilled—chefs, line chefs, sous-chefs, pastry chefs. There are a lot of skilled jobs in the restaurant industry, and many of the apprenticeship programs specifically leave us out of the programs.

We do have a problem getting staff, especially in the back-of-house system. I think it shows just how much tipping can add to a salary. We rarely ever have trouble getting front-of-house staff; it's the back-of-house staff that is harder to get. That's why you get into tip-sharing pools and you get into things like the management participating in sharing the tips, because not everybody will do it voluntarily.

Mr. Jagmeet Singh: Okay. With respect to this bill, are there any things that you think could be added to make this bill more effective for perhaps the servers, or the industry in general?

Mr. Jamie Rilett: I agree with Mr. Elenis's amendment to allow for the credit card charges to be included. Other than that, no. I think we worked with the Ministry of Labour pretty closely—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but your time is up.

Mr. Jagmeet Singh: Sure. Thank you.

The Chair (Mr. Peter Tabuns): Now we go to the government. Mr. Potts?

Mr. Arthur Potts: Thanks, Mr. Rilett, for coming down. Again, I reiterate: I appreciate the support. I appreciate the interaction that we've been able to have on this bill, trying to make sure we're getting it right, and the message is clear.

We talked a bit earlier about some of the major chains who have very clear policies where they don't do this. Maybe you could speak to the disadvantage that the major chains put themselves at, against a smaller operator who might be doing this, in that their margins would be padded by tips, whereas the larger chains have to get it on the basis of their prices.

Mr. Jamie Rilett: While I don't want to assume who might or might not be doing it, the larger chains have bigger margins, so perhaps the smaller operators, independent operators, feel that this is a major part of a bill that they need to keep afloat, and that's why sometimes they include management in the tip-sharing pool.

Often it's hard for smaller restaurants to get people to be chef managers, to be management. You usually would promote wait staff up to management. What we find is that a lot of wait staff don't want to go into management simply because they're making so much through the tip pool that they don't want to lose that money. That's one

of the reasons I think you see smaller independents. They have tighter margins, so you might see it more for that reason.

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Mr. Arthur Potts: I'm also interested that in your piece you talk about source deductions and the CRA. I know there has been some change, maybe, in the way that they're dealing with monies that are held overnight as part of a tip-pooling arrangement. I think there's an expectation that servers and people receiving tips are declaring that as income, and I guess with the source-deduction approach that's a fait accompli now if, in fact, they're holding it. Is CRA making that ruling? What can you say about that?

Mr. Jamie Rilett: The only change is the CRA has been a little more clear about getting that information into the hands of restaurateurs. That's a long-standing position. But yes, if it's a controlled tip that has source deductions, all that income is reported to CRA, so it's better for them. They're making more. They're also getting their full income taxes on that.

I guess if CRA wanted to make changes, that's an area they could look at, because I think if there weren't source deductions on tips at all, then people would be more willing to control that. But any time there are source deductions—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time. We have to go to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you very much. I'm very interested in how restaurants are going to show employees what percentage they pay, because it can vary. A big account will negotiate a smaller percentage to Visa or MasterCard. It used to be that MasterCard was much lower than Visa, but not so much these days.

I'm concerned that the industry will negotiate some kind of—I guess a deal is the best way to put it, where the large restaurant chain will say, "Instead of charging us 2%, charge us 3% and then give us cash back somehow, in some other point system"—negotiate something. I'm just wondering: How will employees actually know what percentage their employer is paying to a credit card company?

Mr. Jamie Rilett: I don't share your negative view of what small businesses would do, but to answer that: I don't know. This is all very new to us. It's something we would have rather not gotten into because we do believe that any time you add more red tape, it just confuses everything. Most would argue to keep red tape for small businesses as low as possible.

I guess as we move forward it will be up to the restaurants, if they choose to keep that money that they have to pay, to figure out how to show it, because Visa, MasterCard and American Express all have different rates, so they'd have to figure out how to show their employees what that is. Some may choose not to do it, simply because it would just be easier not to try. But if it's significant money, some may choose to do it.

Mrs. Gila Martow: As you said, it's a very small profit margin sometimes in the restaurant business, so if

it's costing you 2% and you're not taking back the 2%, it can add up.

Would you advise the government to consider implementing it across the board, saying, "Per year, we know that the average Visa or the average MasterCard or the average American Express is so much percentage points, and that's all that you can deduct"? Would you like them to just mandate it?

Mr. Jamie Rilett: It would all depend. Some restaurants are almost all cash and some are almost all credit card, so I guess it would also depend on the restaurant. I wouldn't want to complicate—

Mrs. Gila Martow: They're only going to take it back for a credit card.

Mr. Jamie Rilett: Sorry?

Mrs. Gila Martow: They're only going to take it off for credit card charges.

Mr. Jamie Rilett: I know, but I just wouldn't want to complicate this bill any more than it already is.

Mrs. Gila Martow: So that's what you're concerned with: It's a lot of red tape and extra work.

Mr. Jamie Rilett: Everything, yes. The more you complicate the bill, the more you make it harder on the person at the end of the day who's trying to get home and close off the accounts.

The Chair (Mr. Peter Tabuns): I'm afraid your time is up. We have to go to the next presenter. Thank you very much.

Mr. Jamie Rilett: Thanks for your time, Chair.

BURLINGTON RESTAURANT ASSOCIATION

The Chair (Mr. Peter Tabuns): Next presenter: the Burlington Restaurant Association. As you've heard, you have five minutes to present and up to three minutes per caucus for questions. If you'd introduce yourselves for Hansard.

Mr. Sean Baird: Thank you, Mr. Chair and members of committee. My name is Sean Baird. I am an executive member of the Burlington Restaurant Association. We refer to it as BRA. The first thing that I'd like to do is echo Tony's position. We agree with it wholeheartedly. I've been involved with this bill since 2011. The connotations: I think we're at a point—I wouldn't say 100%, but definitely in the high 90s of what we've worked on with the servers, employers and the consumer side of the business.

I'm not going to repeat everything that Tony talked about, because we're in agreement with it all. I just want to talk about the benefits across groups. I think the employee benefits are quite high. I think that you have to keep in mind that, of the 400,000 employees in Ontario in restaurants, approximately 70% of those employees would be non-tipped employees. They're going to benefit immediately from this bill. When we're talking about that high of a percentage, the tipped employees, the people who receive the tips, generally in a restaurant transaction, are a smaller percentage of the overall employees.

Another benefit that we see employees getting is that these, as far as we see, will be now insurable and pensionable earnings. I think that's an important part as well. These non-tipped and tipped employees, now with these defined wages, will see an immediate benefit not just in insurability but also in pensionability.

The employer benefits: We're going to get a better balance of wage parity. We struggle in this industry with the parity difference between what we refer to as the back-of-house and non-tipped employees and the tipped employees. We can see ranges somewhere of tipped employees making \$40 or \$50 an hour and non-tipped employees down at the minimum wage level. So this is going to present an opportunity. Why tip pools were implemented over the years was to create some parity between the employees because, as Tony stated, it's teams that deliver service experiences, not individuals. We want to make sure that those teams are compensated equally and there's great parity there.

We also predict that we'll start seeing some better training of front-of-house employees in this province and in Canada, somewhat like you see in Europe and places like that, where you've seen front-of-house training work its way into the college and trade school systems. Once a career is officially given a career status, like we saw in the back-of-house industry with chefs and all of that, we're going to start seeing that in the front-of-house—or at least that's our prediction.

From the employer's point of view, we're going to have some framework now. We're really excited to see that tips and gratuities are now going to have some status in employment standards and that we have a framework, and that these different models of how these tip pools run will, at least, be done in a regulatory environment, so that, from employer to employers, we will know that there's a level of fairness in between the competition side.

The last part which I would say is a consumer benefit would be the transparency. For consumers, there may be some confusion about where the money goes, where it doesn't and all those types of things. This bill—or, at least, a section—will allow a certain amount of transparency in touching upon how credit card fees are handled on tips and so on and so forth.

The reality is that we live in an electronic world right now, so I don't see an arduous aspect of this bill. There just isn't one. I was in IT for many years, and all these transactions—there's very little cash happening in this industry now. Debit, credit, everything else: This is all happening electronically at the POS level. There's not going to be an arduous aspect to maintaining this bill; in fact, it will be the opposite. To show an employee what they're actually paying on what would be referred to in credit cards as the overall rate will be very easy. The transparency—not only to the consumer, but to employees and employers—will be there.

Those are my submissions. Thank you, Mr. Chair.

The Chair (Mr. Peter Tabuns): Thank you very much. First questions go to the government: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Thank you so much, Chair. I want to thank you, Mr. Baird, for coming in and speaking to us today.

It seems that you really support what this bill is trying to do and you think it's a good idea. Can you give me a sense of how you feel this bill will influence and possibly change the experience in a restaurant for employees, customers and management?

Mr. Sean Baird: I think, for management, what it's going to do is that it's going to allow us to maintain our human capital—again, the parity question. There's such a big disparity between some of the employees who are delivering the service as a team. It's just gotten to the point that it's colossally unfair. So from that perspective, it's going to be able to manage the career paths—I see lots of chefs who are well trained, but they want to jump to the front-of-house only because of the monetary side. They'll be able to stay in their passion. I think that is going to be a big part for the employers.

For the employees: Again, you're talking about the major percentage—65% or 70% of most staff that are non-tipped. Now they're going to be participating in that revenue stream, which has been there for well over 100 years, but it has now gotten to the point where it's so imbalanced. So that's where the employee is going to benefit.

The consumers are going to benefit from the fact that there's going to be more understanding. You're seeing it in the press now. You're seeing non-tipped models coming out and people increasing prices. You're seeing it North America-wide, in the States and here. So what it's going to do for consumers is it's going to give them a better understanding of what's happening.

Again, because we're all electronic, to be able to produce that on the bill and on the receipt and everything else is very, very simple.

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Ms. Indira Naidoo-Harris: Just one more question: Do you see this bill strengthening the restaurant industry as it stands right now and being that positive change?

Mr. Sean Baird: Absolutely, at all levels, so from the human capital pool perspective; from the consumer perspective, there's going to be more transparency so there isn't going to be this grey area of what happens with this.

From the employers' side, they're going to be able to create private models that are going to work their way inside this framework. We're not going to have the government dictate, hopefully, our private model, but we're going to have to work inside a framework, and we're going to see some innovation happening in there, and that's what we want.

Ms. Indira Naidoo-Harris: Thank you so much, Mr. Baird.

The Chair (Mr. Peter Tabuns): Okay. I have Mr. Colle.

Mr. Mike Colle: I was just talking about this business going totally digital, and everything is now on Interac and everything.

I've got a shawarma place in my riding that has been robbed at gunpoint six times. The police tell me one of the reasons why it's robbed so often is because there's a big, fat sign in front of the cash register that says "Cash only." How do I get this person to realize that it's for their safety and the safety of the customers to get rid of that sign and start to take Interac and credit cards?

Mr. Sean Baird: That's a business decision. I think it's a foolish business decision on your constituent's part. The reality is, he's probably eliminating so much sales because he's not accepting electronic transactions.

The other thing that restaurateur probably doesn't understand is, all the shrink that he has to deal with is—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time, and I have to go to the next party.

Mr. Sean Baird: No problem.

The Chair (Mr. Peter Tabuns): To the official opposition: Ms. Martow.

Mrs. Gila Martow: There are restaurants out there that give a discount for cash, and I'm just sort of wondering how you feel about that in terms of your industry.

Mr. Sean Baird: I don't see the point of it. I think it's a completely counterproductive transaction. It doesn't make any sense. I think you're seeing an older model trying to transition to an electronic model. Just like we saw where you don't use DOS machines anymore, you saw a program that used to write code for DOS can write code for Windows. I think you're going to see that model just—and a way the banks have taken care of that for us with electronic transactions. So my opinion is that it's a foolish way of doing business.

Mrs. Gila Martow: Do you see any way to benefit, something you would like to see in the restaurant industry—that perhaps the restaurant industry can be benefitted by all this new technology?

Mr. Sean Baird: The benefits to streamlining—it takes administration down to less and less. If they embrace technology instead of fragmented systems, and they go to full-blown systems, then reconciliation is happening on the fly. The reality is, most margin created in this business is going to come from reduced administration costs and embracing electronic transactions. It's a given; we're not going the other way, right? We're going into tackling currencies like Bitcoin, for example. Those are going to become issues in the future as well.

Mrs. Gila Martow: What about electronic ordering: iPads at the table and that sort of thing?

Mr. Sean Baird: That's a service issue. Some people like it; some people don't. Again, the private sector is going to—supply and demand is going to determine what the consumer actually wants. We're a consumer-driven industry. If we don't give the customer what they want, then we're going to be out of business. Fundamentally, I think those types of things are going to come through, depending on what the consumer wants.

Mrs. Gila Martow: Do you want to see us move away from tipping and just have people on a good salary?

Mr. Sean Baird: I would like to move towards parity. Tips are going to happen. It's a 100-plus-year-old trad-

ition. I think it should not be on the side and off the balance sheet. I think it should be running through the balance sheet, and it should be reflected and totally transparent, not just to the employer and the employee but also the consumer.

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Peter Tabuns): Third party: Mr. Singh.

Mr. Jagmeet Singh: Thank you for being here, and thank you for your presentation. I understand that the bill, as it stands, is something you've worked on. You've been in association with your other colleagues, who have all spoken in favour, and so you're okay with the way the bill has been crafted to this point.

Mr. Sean Baird: Like I said, I think it's 97% there. The one thing we'd like to see is some framework around dealing with the commission that is associated with processing the tip itself. I think if the revenue's going to the employees, obviously the expense associated with getting that revenue to them should also be allowed to be associated with that.

But the second thing we're looking for is a clearer definition on the fact that tips and gratuities will now be defined as wages under the Employment Standards Act. That is the one ask that I have. It looks like it is in the act, but not to the clarity that we would like to see. We would rather see it happen at the legislative level than going into the court system and getting case law to support that particular situation.

Mr. Jagmeet Singh: Okay, that's helpful. I also just want to give a shout-out to Michael Prue, who brought up a similar bill. I'm sure he's very happy to see this bill now moving on to this stage.

You talked a lot about the change in the industry. I'm really interested in the direction you think that it's going. You mentioned streamlining and the benefits for the reduction of administrative costs through the direction that the industry is going: towards more reliance on digital techniques to run a business. Can you expand a bit more on that and the way you see the industry moving?

Mr. Sean Baird: Traditional margins are shrinking. Food costs are getting more expensive. I don't see in the near future the government letting go of the LCBO and that monopoly. So what happens is, we have to find margins in different areas. The number one area to find margin right now is streamlined management. That's across almost every single industry. Electronic aspects are a big part of that. What we're seeing is not only technology improving, but we're also seeing the user who is coming up, growing up on iPads and iPhones, also being a very quick user as well.

I think that most of the margin that the industry is going to find is going to be in those laborious administration costs. The service business is a hands-on business; it's tough to automate. So we'll always be serving, we'll always be bringing food or a drink to a table. There is a manuality. I can't see—I mean, I'm sure at some point in time it will be automated, but I can't see that in the near future.

So the increased margins that we're seeing are going to be streamlining processes and automation, specifically on the administration side.

Mr. Jagmeet Singh: You mentioned shrinkage and how shrinkage can be prevented by moving away from a cash system. Can you just talk a bit about that?

Mr. Sean Baird: The reality is—and let's use "shrink" as an overall, specifically at the point of sale—if an electronic transaction is moving straight from a consumer to a bank account, there is no opportunity for anybody in the middle to shrink that transaction—or less opportunity. I wouldn't say there's no opportunity; there's less opportunity.

When cash is coming through across a table, if there's a looseness at the point of sale, then there's a looseness right across the entire chain. If the transaction itself is tied electronically, then we're going to see shrink reduced overall there. In my personal opinion—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. Thank you very much for your presentation.

Mr. Sean Baird: Thank you very much.

MR. MICHAEL VOROBET

The Chair (Mr. Peter Tabuns): Our next presenter: Michael Vorobet. Sir, as you've seen, you have up to five minutes to present, with up to three minutes per caucus for questions. If you'd introduce yourself—and I apologize if I mangled your name.

Mr. Michael Vorobet: You did a pretty good job with my name. My name is Mike Vorobet. I'm a member of the Ottawa Servers Association, which is a small group of servers who came together in Ottawa and Toronto four years ago when we first became aware of this legislation.

I'm here today in Toronto on my own dime. It's costing me about \$300 in lost wages, hotel bills etc. to be here, but that's how strongly I feel about this. I have submitted a one-page document, which is my last paystub, for your consideration.

But first, I want to make two points just arising from what I've heard today so far. I wasn't privy to any discussions that occurred between any members of the House recently and the industry. So I want to beg the Legislature not to allow unions to give away tips to employers. If you look at my paystub, you'll see that after 16 years of employment and 20 years of union representation in my building, I make a \$1.30 over the minimum wage in this province. That's how great a job my union—and I won't mention their name. That's another issue for another day. So please do not give unions the ability to give away tips to employers.

Secondly, the voluntary tip pooling: I am part of a pool of 100 employees in my department. It's a big building and a big department. I'm happily sharing my gratuities with those other 100 banquet servers. This sharing concept, this voluntary concept, has to be as protected as the employees' health and safety committee. In other words, the employees have the right in any workplace to

elect their own occupational health and safety committee. That's clearly covered under the Occupational Health and Safety Act. This law must cover the distribution of employees' tips. It must be all employee-driven. Management cannot have a say, as a condition of work, that you must hand over your tips to so-and-so. If you're talking about cash tips etc., it has to be the employees. We will share with each other. We're not unaware of what goes on in the back of the house. But you must leave that to the employees to decide, when it comes to giving away people's money.

Now, back to my paystub: You'll see here that I make \$11.10 an hour. On my last pay, my gratuity was \$21.22. That's from the pool. That's my share of the pool. That's fairly typical. I'm something in the \$30-an-hour range. We're a fairly high-end facility.

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Why I'm highlighting this is because—I live in Ottawa, but we do know what goes on in the outside world—all of your ridings are suffering from a loss of middle-class, working-class jobs, across this province. I have a working-class, middle-class job. I have a property tax bill to pay every year, and a house insurance bill and a car insurance bill, based on one job. And you see what I've earned to this point, all in. It's right there. I'm paid on the paycheque; I don't make cash tips.

I am going to contrast myself with a gentleman I met recently. He's about my age. He'd come from out of Ottawa—I'm not sure where; somewhere in southern Ontario—looking for a better job. I run into him. He started working with us, very casual, once in a while, and I said, "Oh, you're working at such-and-such a place. How much do they pay?" "It's \$11.50 an hour"—banquet hall, to be clear, for the record. At a banquet hall, they pay \$11.50 an hour. "What about your tips?" "There are no tips." So he doesn't get the \$21 an hour; he just gets the \$11.50. I worked in the same place 22 years ago; I made \$8 an hour in those days when I was getting into the industry. Twenty-one years later, he's making \$11.50.

This is a church; they own a banquet hall as well. They charge a 15% gratuity and they keep it. You can go on their website and you can find this. You won't find out that they keep it, but it's there.

In Ottawa, in our business, which is legitimate, we are losing so much business for our part-timers and casuals to these grey operators. Multi-million-dollar facilities—the church hall I'm talking about holds 600 people. They do conferences; they do banquets; they do weddings—all kinds of things. We've got multi-million-dollar facilities being built in Ottawa. The 15% gratuity has never been remitted to the servers. The gentleman who accompanied me from Ottawa last time was fired from one of these facilities for asking what happens to the gratuities.

Are my five minutes up?

The Chair (Mr. Peter Tabuns): Yes.

Mr. Michael Vorobej: Okay.

The Chair (Mr. Peter Tabuns): And we go first to the opposition party: Ms. Martow.

Mrs. Gila Martow: Thank you so much for your presentation and for coming in and for your passion. I think that's what's missing from a lot of the discussion sometimes: that people want to be rewarded for working harder. They don't mind sharing it with their fellow employees who are also working harder, but if it's mandated, then all of a sudden, there's no incentive for people to do a better job and to put that smile on their face. I wanted you to comment on that.

Mr. Michael Vorobej: I look at it this way: People need to work. The man I talked to, making \$11.50, he's the same age as me. I'm 51, by the way. He has a lot of experience in the business, but he came to Ottawa looking for a job and that's the only job he could get. People are going to work. I think if you paid five bucks an hour and they can't get anything else, they're going to work. The question is: When is Ontario going to follow PEI and Newfoundland and New Brunswick—

Mr. Arthur Potts: And Quebec.

Mr. Michael Vorobej: —and Quebec and finally enact this law? Again, this is my second trip. Maybe it was the same room I talked in two years ago. Again, this is just me as an old-timer seeing my industry going down the tubes and seeing our jobs being picked off by people who purportedly are offering the same menu at the same price range, but because they pocket the 15%, we can't compete and our people are losing work.

I'm doing okay because I'm number two on the seniority list, and again, I've been there for 16 years. So I'm doing okay. The other people are losing. That's why I'm here.

The Chair (Mr. Peter Tabuns): Okay?

Mrs. Gila Martow: I'm fine.

The Chair (Mr. Peter Tabuns): We'll go to the third party: Mr. Singh.

Mr. Jagmeet Singh: Thank you for being here, sir. I appreciate your passion. I appreciate, first of all, you being here and your deposition so far. Could you explain how this bill will benefit the industry?

Mr. Michael Vorobej: Again, I see a bill in front of me that I've been translating back into English for two years, and then I hear some discussions today which I've not been privy to.

My view is, the bill should protect the customer paying the tip so they're not defrauded of their tip. It should protect the honest businesses so that they don't lose to these grey-market operators. And it should, of course, protect the employees so we get more middle-class people in this province; we've lost so many of them. It should also benefit the treasury of the province as we become taxpayers as well.

I think it's good that the government is recognizing this. I'm not asking for the moon. I would go further in regulating the industry. I would urge all of you to look—not now, but when this is passed—at what has been going on in Quebec for two decades. We are two decades behind them in terms of employees being mandated to report their income on a weekly basis etc.; therefore, it's covered by pension plans, EI, etc. It astonishes me that the rest of the country is so far behind them.

The other thing I want to just really stress is that—the language is here—but if any reasonable person would pay an additional fee beyond the markup on their bottle of wine and their chicken dinner, whether it be a service charge, a gratuity or some other number, it cannot be misrepresented. It has to be clear so any reasonable person would understand that if they pay 15% extra in a restaurant or banquet hall, it's a tip. It's not an administration charge; it's not a whatever charge—it has got to be clear, okay? Because that's an issue that can arise. But it would be great for us if, as I understand it, this gets passed. I want to see more people at my status, not less.

Mr. Jagmeet Singh: Excellent. That's good to hear.

You indicated that you were here before. Were you here speaking on this bill in its previous form?

Mr. Michael Vorobej: Two years ago, I was here.

Mr. Jagmeet Singh: Okay. It must have been when Michael Prue brought this bill forward.

Mr. Michael Vorobej: Yes, and you can pass on my greetings to Mr. Prue. I appreciate the pioneering work he did on this.

Mr. Jagmeet Singh: I will. I also have heard a lot about how people really appreciate the pioneering role he took in something we, as consumers, didn't actually really know a lot about. This is something that has come up time and time again for people in the service industry, and it's important. This is one of those times where an issue that didn't get the attention it deserved finally got the attention and now is being addressed.

Mr. Michael Vorobej: No one knows about this who doesn't work in the industry. I can drop jaws any time; they have no idea this is going on.

Perhaps people in Ottawa have less shame than people in Toronto; I don't know. But my understanding is that it's happening everywhere—tip extortion, as I would call it. It's high time it came to an end, for everyone's benefit.

Mr. Jagmeet Singh: Well, thank you so much for being here. Thank you for your deputation.

The Chair (Mr. Peter Tabuns): To the government: Mr. Potts?

Mr. Arthur Potts: Thank you, Chair, and thank you, Michael, for coming down and spending the time and your advocacy on this file over the years. I know it has cost you personally, but it's very, very important and you should be commended for the excellent work you've put into this. A shout-out to Mr. Prue as well for engaging with you back then.

So you're subject to a collective bargaining agreement. I think it's really interesting that we're getting this perspective here. Your agreements have been freely negotiated over the years and, while I take your point that you're making \$11 an hour, they seem to be doing it the right way in that the tips are being pooled and shared. Can you give me a sense of what the \$21.22 represents in terms of the pooled share?

Mr. Michael Vorobej: Okay, I'll break that down for you. When this building opened back in 1983, it was 50-50: Management got 50 cents of every dollar of tips and the workers—it was not unionized—got 50 cents. Now

we, the worker, get 78 cents on the dollar; management gets 22 cents. That 78 cents has not changed for the last three collective agreements. Obviously, we're closer to the minimum wage because the minimum wage has gone up somewhat.

My issue is that—we were here before, and I've talked to other people—there are some unions still only getting 50 cents on the dollar and happy to collect union dues, which really astonishes me. My view is—and this goes more broadly across the Employment Standards Act—that as a unionized worker, I lose the right to vote on who's on the health and safety committee. I lose that right. In a non-union, I would have that right. Life and death trumps everything, but after that you're there to earn money. I don't want to see this taken out of people's hands.

My understanding of the old amendments was that this would be phased out with the end of the collective agreements—this idea of a split between management and union. Perhaps I misunderstood—again, as I said, I have been translating this into English for two years. My hope is that that will be off the table.

We went on strike in 2006 because in 2006, we were only getting 63 cents on the dollar. We were on strike for six weeks, and the arbitrator—because we ended by going to arbitration—bumped us up to 78 cents on the dollar. In Ottawa, it's typically 90-10 between union members and managers.

The other thing that I heard today is how many layers of management will be able to share in the tip pool, because you're looking at a \$100,000-a-year catering vice-president who was in the tip pool.

Mr. Arthur Potts: Right.

Mr. Michael Vorobej: He came to Ottawa from Calgary because he knew that the more business, the more money he would make. He didn't care if he was taking it from, in those days, \$5-an-hour servers. That wasn't a problem for him. The issue for him was getting it into his bank account.

So I'm very concerned about the idea of any managers getting in on this. Tips are for workers.

Mr. Arthur Potts: Yes. And I think the intention of the bill—

The Chair (Mr. Peter Tabuns): I'm sorry to say, Mr. Potts—

Mr. Arthur Potts: I'm just getting warmed up, Chair.

The Chair (Mr. Peter Tabuns): I knew that. Nonetheless, you ran out of time.

Mr. Arthur Potts: Thank you.

Mr. Michael Vorobej: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Members of the committee, we now move on to public hearings on Bill 33, An Act to reduce the abuse of fentanyl patches. There are no presenters scheduled. We have distributed written submissions, so I am going to recommend that the committee recess until 3:55. Please come here at five to 4 and then we can get under way.

The committee recessed from 1450 to 1600.

PROVINCIAL ADVOCATE
FOR CHILDREN AND YOUTH
AMENDMENT ACT, 2015
LOI DE 2015 MODIFIANT LA LOI
SUR L'INTERVENANT PROVINCIAL
EN FAVEUR DES ENFANTS
ET DES JEUNES

Consideration of the following bill:

Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of critical injury or death / Projet de loi 117, Loi modifiant la Loi de 2007 sur l'intervenant provincial en faveur des enfants et des jeunes en ce qui concerne les avis de décès ou de blessures graves.

The Chair (Mr. Peter Tabuns): Committee is back in session. We now move on to public hearings on Bill 117.

Each presenter will have up to five minutes for their presentation, followed by up to nine minutes of questions from committee members, which will be divided equally among the three parties.

ONTARIO ASSOCIATION
OF CHILDREN'S AID SOCIETIES

The Chair (Mr. Peter Tabuns): Our first presentation is from the Ontario Association of Children's Aid Societies. If you would introduce yourself for Hansard and then just proceed.

Ms. Sally Johnson: Good afternoon. My name is Sally Johnson. I'm the director of child welfare service excellence and government stakeholder relations with the Ontario Association of Children's Aid Societies.

The Chair (Mr. Peter Tabuns): Could you bring the microphone a bit closer to you?

Ms. Sally Johnson: Is that better?

The Chair (Mr. Peter Tabuns): It is.

Ms. Sally Johnson: Just go ahead?

The Chair (Mr. Peter Tabuns): Go ahead.

Ms. Sally Johnson: Great. Thank you very much for the opportunity to be here today to talk to you about our recommendations with respect to Bill 117. As you know, the scope of this bill is on reporting information about critical injuries or serious bodily harm of children, or death of children who are involved with, or have been involved with, a children's aid society. There are about five points that I want to make today with respect to this particular bill.

The first I would like to make is that children's aid societies already have other reporting requirements with respect to critical injuries of children—that is both to the Ministry of Children and Youth Services and to the Office of the Chief Coroner. The Commission to Promote Sustainable Child Welfare that was established in 2009 did make a number of recommendations about improvements to the child welfare system, including the need to streamline and reduce administrative burden.

Additional reporting requirements for these circumstances would result in duplication of reporting requirements for children's aid societies. We would respectfully request that that be considered, and that all reporting requirements with respect to serious injuries or deaths of children be streamlined and aligned with other existing reporting requirements.

We do embrace the notion of the bill and the need for transparency around the reporting of this information, but ask that this be done in a way that doesn't add to or increase administrative burden, taking time away from caseworkers' work with children and families.

Secondarily, we note that the scope of Bill 117 focuses only on families that have been in receipt of services, either at the time of the injury or death or in the 12-month period prior to the death, from a children's aid society. We would suggest that the reporting of these kinds of incidents should be expanded beyond only children who are involved with children's aid societies to include all children who fall within the mandate of the provincial advocate.

There are a number of vulnerable children across the province who do receive services from child and youth serving agencies who may or may not have had involvement with children's aid societies in the past, but that doesn't mean that they're any less vulnerable. Children with significant mental health issues, for instance, would fall within that category.

Thirdly, I'd like to just make sure that the public would understand that this would not replace the duty to report concerns to a children's aid society about a child who may be in need of protection, or their ongoing duty to report under the CFSA. We would respectfully ask that a clause be added to this bill specifying that this reporting does not replace duties to report concerns about a child to a children's aid society, which are mandated under section 72 of the Child and Family Services Act.

Additionally—and this is probably my last point that I want to make, to be brief—there is a lot of work that has been done with this sector and in partnership with the Ministry of Children and Youth Services on access, disclosure and privacy of personal information. OACAS respectfully requests that no personal information would be reported as a result of Bill 117 for additional purposes outside of the current scope of information-sharing that exists, until such time as the Ministry of Children and Youth Services completes its work on access, disclosure and privacy of information. The implications of that have been well thought through in the context of Bill 117.

We understand also, from the provincial advocate's submission, that the intent of receiving this information would be to allow the provincial advocate to connect directly with families. We would caution that we would need to understand the intent of that connection with families, as often there are criminal proceedings under way, in the case of a death, or there might be ongoing child welfare-protection investigations or CFSA matters before the court. So the nature of that involvement is something we don't understand at this point and—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time for your five minutes.

Ms. Sally Johnson: Okay. I'm sorry.

The Chair (Mr. Peter Tabuns): The first question goes to the third party.

Miss Monique Taylor: Good afternoon, Sally. Thank you so much for being here today and for taking interest in bringing amendments forward.

I found it interesting that you would like to see not just the children's aid underneath the purview of this bill. Could you elaborate on why you think it's important for youth corrections and for children with mental health issues to be a part of this bill?

Ms. Sally Johnson: I think children often receive services from a number of service providers. Children who are in need are vulnerable, and I think, as you said, children who have mental health issues or who might be receiving services for mental health needs could be just as vulnerable. I think the provincial advocate also identifies that their mandate extends beyond just children in the care of or receiving services from children's aid societies.

Miss Monique Taylor: So it really does make sense that when we're doing it, we might as well do it right from the beginning and make sure that we're opening it up to all places where our youth would come into perspective, right, under the Child and Family Services Act? Is that what you mean? It only makes sense for kids; it's the right thing to do for kids.

Ms. Sally Johnson: We're suggesting that it align with the mandate that the provincial advocate currently has, yes.

Miss Monique Taylor: Right, which includes youth corrections and mental health.

Ms. Sally Johnson: It's much broader than just beyond child welfare, for sure.

Miss Monique Taylor: Right. I think it's a great amendment. I think that it makes sense for kids, especially vulnerable kids, who need us to be looking out for them. I think we would be really missing a large piece of the puzzle if we didn't take the experts on this matter, yourself and the child advocate's office, in knowing the importance of that amendment to make sure we have the broad scope.

Your concerns about the duty to report, I believe—section 72 would still be there. I think it should be very clear that there is still a duty to report and that that is not taken away from. I know when I was reading through the act, section 72 was still very clear, and I think that is something we would need to make sure is clear, that the duty to report is there.

Ms. Sally Johnson: Yes. I think we're just looking for something specifically amended to Bill 117, just to make sure people are very clear it doesn't replace section 72.

Miss Monique Taylor: Right.

How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): About 15 seconds.

Miss Monique Taylor: About 15 seconds?

Thank you again for your submission. I think it's very important—like you said, and as we both reiterated, along with the child advocate, it only makes sense to make sure that we include all of the sectors under the Child and Family Services Act under this bill. Thank you so much for your time.

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. Now to the government: Mr. Thibeault.

Mr. Glenn Thibeault: First off, thank you for being here today, and I just want to commend you on the work that you do. Once upon a time, before I was sitting in this chair, I was a foster parent, along with an individual who ran residential homes for developmentally handicapped adults and kids, so I know the difficulty sometimes that comes with the job.

I also want to tip my hat to my colleague from Hamilton Mountain for bringing forward a bill like this, because I think what we need to be looking at are ways that we can improve things, each and every day, for all of our children and youth in Ontario.

Some of the things that I'd like you to continue to speak to—you were talking initially about your relationship with the provincial advocate. Maybe you can explain, currently, what that relationship is, and outline and define if there's any information that you already report to this office, and how, moving forward, this bill will enhance that.

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Ms. Sally Johnson: To my knowledge, children's aid societies aren't required to report information directly, although the advocate's role will change with the proclamation of Bill 8. The reporting requirements that I was speaking about are existing reporting requirements for children's aid societies to report child deaths, for instance, to both the ministry and the Office of the Chief Coroner. Children's aid societies also have an obligation to report to the ministry whenever there's a critical incident or a serious injury to a child as well.

So the opportunity for duplicate reporting systems that take time of caseworkers away from their casework is a real event in terms of this. I think what we were asking for is that any reporting requirements would be streamlined and aligned with those existing requirements so that the CASs perhaps could report once to a body and that information would be disseminated, rather than having three different reporting requirements for three different reasons, with slightly different intent, so that there's only one obligation of a children's aid society to report.

Mr. Glenn Thibeault: Great. I'm good with that. Thank you.

The Chair (Mr. Peter Tabuns): Okay. Thank you. To the official opposition: Ms. Jones.

Ms. Sylvia Jones: Thanks for coming out on such short notice. I want to build on what my colleague was asking about with the streamlining. Common sense would suggest that streamlining makes sense. Do you have a recommendation to the committee on where the reporting should happen and that it get disseminated from

there as opposed to what we're looking at now, which is potentially three different reporting streams?

Ms. Sally Johnson: I don't have a recommendation for a particular recipient of the information, but I do think that the ministry's serious occurrence reporting procedures that are required of children's aid societies and all service providers, quite frankly, that are funded or licensed by the ministry—as well, the joint child death reporting protocol requires reporting to that office in the event of a tragedy or a child death.

I think if there's a way to streamline and agree on how information will flow from a CAS to whom so that all of the reporting requirements are met and CASs are able to manage that obligation in a singular way, in a singular fashion, that would be very, very helpful.

Ms. Sylvia Jones: Currently, are there different reporting requirements to the coroner than there are to the ministry?

Ms. Sally Johnson: Yes. In the event of a child death, for instance, a children's aid society would report a serious occurrence to the ministry, and they would report other information to the coroner. They would notify the coroner. They would provide ongoing information to the coroner with respect to that child death, as well as ongoing updates to the ministry around the serious occurrence in a child fatality summary report, as well as child death reports, internal reviews and those other documents that flow when there's a tragedy such as a child death. I think there are a number of ways that that information could be streamlined.

Ms. Sylvia Jones: If I may, the coroner report is more back and forth whereas the ministry is a static, "Here's the serious incident."

Ms. Sally Johnson: It can be static, but often the ministry, through their regional office, will have requests for ongoing updates or information as well through that process. So there's a lot of back and forth, as there should be when something very tragic happens, but there is a way to make sure that people are focused on what they need to be focused on, and that's protecting children.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Sally Johnson: Thank you.

MR. CHRIS YORK

The Chair (Mr. Peter Tabuns): We have a presentation now by four people: Christopher York, Pam York, Brett Smart and Evelyn Salt. If you'd all come up to the table.

As you've seen, you have up to five minutes to present. Then we'll be following that with questions, up to three minutes per party. When you speak, if you'd introduce yourself the first time for Hansard. Please proceed.

Mr. Chris York: Thank you. My name is Chris York. I'm the paternal step-grandfather to baby Kody Rien Smart. He had the unfortunate demise of being murdered

this past summer in the riding of Welland–Thorold. I've been advocating for the last eight years for oversight of the children's aid societies. I don't believe that there is any accountability whatsoever, and I'm basing this on my personal experience.

I understand that the government and the ministry have a responsibility to these children, and they believe that they have oversight in place through the Child and Family Services Review Board. Well, I'm here to tell you that's false. I've been through the Child and Family Services Review Board many times prosecuting the children's aid societies not only in my own region but across this province helping other families—educating these other families on their rights and how to fight back to protect their children from this agency that's supposed to be protecting children from bad parents.

The problem is that this agency is set up as a business. They're in business to make money. Unfortunately, the way the funding formula is set up is, these people are making money by apprehending children based on false allegations and nothing more than their own personal beliefs. That's not acceptable.

Ministry guidelines were set after the Jeffrey Baldwin incident to protect children from ever being put into positions where they are being placed into homes, whether they be foster homes or kinship homes, so that they're not going to be injured. Here it was: These guidelines were not only ignored, but they were deliberately ignored by the children's aid society of Niagara, and my step-grandson was placed in the care of a home that they actually knew—and had records on—this man being a convicted child abuser for more than 20 years. That is not acceptable.

The only person being held accountable right now is the grandfather of that child who has been criminally charged for manslaughter. The children's aid society workers who deliberately ignored protocol and ministry guidelines and rules are not being reprimanded in any way, shape or form. That, again, is not acceptable. How are we protecting our children with these confidentiality clauses when the only ones who are being protected by the confidentiality are these CAS workers?

CAS will sit here and say that they have enough oversight. I'm here to tell you they don't have any oversight at all. If anybody was to live in the real world that I'm living in and see what's really going on in these courtrooms today, and across this province, they would know what's really taking place out there.

I understand Monique Taylor has done some tremendous work on bringing bills forward for Ombudsman oversight. Unfortunately, the government has turned them down each and every single time. I'm telling the government today: Please, for the sake of our children, do something for once. We're electing you to office to protect us and these children from these corporations that are deliberately breaking the law and the rules. They are skirting the social work legislation by calling themselves child protection workers, yet they're still practising social work, but they don't register so they're not accountable

to the college. That's not acceptable. This has been going on far too long. When is the government going to step forward, take a stand, and say, "Enough is enough; there needs to be accountability"?

They will report serious occurrences to the ministry. They'll report it to the pediatric death review panel. They'll report it to the provincial coroner, but who's speaking up for the victim and the family? The family is not getting this information; they're not privy to it. The provincial advocate is not getting this information; he's not privy to this information. He's not able to get any of it because of confidentiality. I don't care about confidentiality. I want justice for my grandchildren. I want justice for my children.

The only confidentiality there should be is for the children themselves, not the workers. Unfortunately, the confidentiality clauses that are put in place today are not protecting the children. They're protecting the incompetent workers who are working for the children's aid societies today, destroying families, and children are dying in care. In the last seven years alone, more children have died in the care of the children's aid societies in Ontario than soldiers across this country fighting in the war in Afghanistan. That is not acceptable. Thank you.

The Chair (Mr. Peter Tabuns): Thank you, sir. Comments from any of the three of you? No? Okay.

Government first: Mr. Thibeault.

Mr. Glenn Thibeault: First off, thank you for being here today, and thank you for bringing forward your presentation. Obviously, it's probably very difficult for each of you to talk about this, but the way we move forward is to have those discussions. Of course, our deepest condolences on your loss. Those aren't cold words. Those are, I'm sure, from all of us here.

A couple of comments: I'd like you first to comment on—you said that we believe we have oversight when it comes to CAS. Can you elaborate a little bit more on that—

Mr. Chris York: Absolutely. When I said that the government believes they have oversight, they believe they have this through the Child and Family Services Review Board. They believe they have it through the pediatric death review panel and the provincial coroner's office. The problem is that the Child and Family Services Review Board cannot investigate matters that are currently before the courts or that the courts have decided on. Well, the minute you get involved with a children's aid society, they will deliberately take it to court to prevent you from filing any complaints to the review board.

The second problem is that even if the review board can investigate and finds wrongdoing, they have no powers to take any action against them, which they openly tell you. Unfortunately, you can have a body in place to do these investigations, but if you don't give them the power to take any legal action against them, they're useless. Their hands are tied. With the pediatric death review panel, as well as the Ontario coroner's office, a child has to die before their mandate gets

invoked. No child should have to die before they're able to get involved, before somebody can stand up and do something. That's the problem with the oversight that you have that's in place: There is none. They're accountable to themselves only.

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Mr. Glenn Thibeault: I'm going to make an assumption: I'm assuming that you're in favour of this bill that was proposed. The second piece to this is, how would you, then, hope that this bill will help other families?

Mr. Chris York: Not only am I fully in support of this bill going forward, I don't think it goes far enough. I think that more needs to be done as far as oversight of these agencies, because they're a private corporation that's mandated by the ministry to do the work for the ministry. They are funded by the ministry, and yet we're not getting any answers from them. They're hiding behind confidentiality clauses. Children are dying, children are getting hurt, and nobody is being held liable for it because the workers are being granted limited protection under the Child and Family Services Act for any acts that they do that they believe were done in good faith.

This bill needs to go one step further—it needs to go a lot further, actually—because it needs to give true independent oversight. It needs to give an independent body the power to take action, whether it's punitive or legal action, against the society and against the workers involved, for misconduct, incompetence or wrongdoing, or certainly when they're deliberately violating ministry guidelines that were set in place to prevent something like this from happening. We learned from the Jeffrey Baldwin incident, and rules were set in place and ministry guidelines were set forward, yet they were deliberately ignored here, and that's not something that we can accept.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of the three minutes for the government.

I'll turn you over to the official opposition. Ms. Jones?

Ms. Sylvia Jones: Thank you, Mr. York. I'm sorry to hear of your loss. I am interested in knowing, if Bill 117 had been in place when baby Kody died, if you believe that you would have been able to get more answers and had more transparency.

Mr. Chris York: Yes, I truly believe we would have been able to get more answers. As it stands right now, the provincial advocate's office, even though we give them consent to get this information by signing consents for release of information—the children's aid is still not under any obligation to release that information to them.

In fact, they're continuously stonewalling any information to the provincial advocate's office right now; in our case, a perfect example, by stating that there are confidentiality issues, that the matter is currently before the courts for the criminal charges, and that it's still being investigated by the coroner's office and the ministry, as well as the pediatric death review panel.

We shouldn't have to wait years and years and years to be able to get these answers. The family needs answers

right away, to know what went on, so that they can move forward to fix things, and the government needs those answers immediately so that they can fix things to make sure that this is not going to happen in the future. One child dying is one child too many.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Jones. Miss Taylor?

Miss Monique Taylor: Good afternoon, Chris and family. Welcome to committee today. Thank you for taking the time, for taking the trip, and for being raw enough to come here to bring your story.

I know the work that you've done for families in this society for years, and I'm sure that Kody was fortunate enough after all of this that you knew to contact the child advocate's office. Right? Is that what you did?

Mr. Chris York: Yes.

Miss Monique Taylor: Did you contact the child advocate's office as soon as this happened?

Mr. Chris York: I absolutely did, immediately.

Miss Monique Taylor: That's one of the recommendations that is in this bill: that the families will be given information promptly, right away. A family who has gone through any of this situation with a child would be able to have the information to be able to speak to the advocate, to know how to find the advocate, to contact the advocate so that he may do his proper investigation going forward. That, we know, is an important piece of the puzzle.

And yes, we've tried for oversight several times, but I think that's why we're picking at pieces of individual oversight now. Do you think that this bill going forward will make a difference in children's lives going into the future?

Mr. Chris York: I'd like to think it's going to make some difference. However, without true independent oversight, so that proper investigations can be done independently without the children's aid conducting their own investigation into themselves—let's face it: I'll be honest, if children's aid is investigating themselves to find out if they did anything wrong, I'll tell you right now how it's going to come out. That's like a police officer investigating themselves. They're going to say, "We didn't do anything. We find that we did everything just fine."

I think that Bill 117 is a small step forward to protecting the children. I think it's a small step forward to getting the accountability that we truly need. Unfortunately, my grandson paid the ultimate price for this, and that's not something that I can live with.

I have fought for numerous years to get oversight. I've fought for families for many, many years now in an organization that I'm proud to be a part of, and unfortunately, we've been turned down at every single turn trying to get this oversight that we truly need. Children are dying, and people are turning a blind eye. Workers are not being held responsible, and unfortunately that's not something I can live with. These workers who are breaking the law should be held accountable according to

the law, and they're not because they're granted this protection. As long as they believe they acted in good faith, who cares? Sure, they commit perjury in court, but it was in the best interests of the child—"We thought we were protecting the child"—so it's okay to lie. It's never okay to do this. Children are dying, and that's not okay. We need this oversight. We need information to come forward promptly. As it stands, the advocate is powerless without being able to have these powers, and we need them.

I'm quite shocked that this wasn't already in place before because children are dying and nobody is able to get these answers from the ministry. We can't get them from the coroner, we can't get them from the Pediatric Death Review Committee, and we certainly can't get them through the review board because they have no teeth. And the CAS clams up because they're only concerned about protecting themselves, not the children.

The Chair (Mr. Peter Tabuns): Mr. York, I'm sorry to say that you're out of time. I thank you for your presentation today.

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Chair (Mr. Peter Tabuns): We now have to go on to the Office of the Provincial Advocate for Children and Youth.

We will have Irwin Elman by teleconference, and I have Diana Cooke also listed.

Diana, if you'd come up to the table.

Hello there?

Mr. Irwin Elman: Hello, I'm here.

The Chair (Mr. Peter Tabuns): Good. As you're probably familiar, Mr. Elman, you have up to five minutes to present, and then we'll go to each caucus for three minutes of questions. If you and Diana would like to proceed, would you introduce yourself first for Hansard?

Mr. Irwin Elman: Yes. My name is Irwin Elman. I'm the Provincial Advocate for Children and Youth.

The Chair (Mr. Peter Tabuns): Please proceed.

Mr. Irwin Elman: Diana?

Ms. Diana Cooke: Oh, sorry. I thought you were going to say something else.

I'm Diana Cooke, I'm currently the director of investigations at the Office of the Provincial Advocate for Children and Youth. Prior to that, I was the director of advocacy for six years.

Mr. Irwin Elman: Just quickly, I wanted to thank Monique Taylor for bringing this bill forward. I think we're indebted to her. And I want to thank the committee. I'm sorry I can't be there in person. I'm calling in because this bill is so important to me. I wanted to create a symbol of how important it is, and I have a brief comment.

I wanted to tell you that children in the mandate of my office are largely invisible to the province. The children I'm speaking of are those in the children's mental health, youth justice and child welfare systems. As a province, I

think I've learned that we assume that once they find their way into our systems of care, they're going to be okay. We know that this might not always be so. I think that's why our office was created.

When children die and they're in the mandate of my office, they must not be made invisible again in their deaths. We need to see them. We need to know them. We need to be challenged by the tragedy they represent, and we need not avert our eyes. My office must remember them and think about them in our work.

I do this work on behalf of Ontario. If the province has the courage that I think it has today to take the step of passing Bill 117, I implore the committee to take the full step and adopt our amendments, which would extend the measure of visibility to all children in my mandate.

Diana, do you want to speak further?

Ms. Diana Cooke: Yes. I'll make five brief points.

First, I wanted to say that we welcome these amendments, and we see these provisions as a safeguard for children and youth because they allow the provincial advocate to review information and, if he identifies concerns, allow him to raise these concerns with the ministry service providers or, in the case of a child with a serious injury, perhaps the child themselves.

But we feel that safeguards need to apply to all of the children in the mandate. Currently excluded are children who have special needs placed in a residence by their parents, children with mental health issues and young people in youth justice facilities.

Why does this matter? Recently, we undertook a review of all serious occurrence reports filed with the Ministry of Children and Youth Services by children's residences. That was for a three-month period, and we looked at more than 5,000 reports. Of particular note is that in 813 of the cases there was no CAS involvement, so it was a parent placement. There were 334 reports of serious injury and 19 deaths of children and youth within the advocate's mandate.

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So I make two points about this: Not all children who are placed in a children's residence have been placed there by a children's aid society, and two, if there are children within the provincial advocate's mandate who are dying or suffering serious injury while in residential care, then the provincial advocate should know about it.

Point three: We're proposing additional safeguards to parents of children who've died. Many parents, when their children have died, don't know who to go to to ask questions—the service providers or the people conducting the investigations. If they call our office, we will help them identify the questions and facilitate meetings with the service providers. We're asking that in cases where a child who's receiving service from the province dies, their parents are notified about the existence of the child advocate's office. Similarly, if a child sustains a serious injury, we're requesting that they be advised of the existence of the provincial advocate's office so they can reach out to our office for assistance.

Point four is the concern about redacted information. We're requesting that the information be provided unredacted. Currently, the information we get from the Ministry of Children and Youth Services contains redactions based on name, date of birth, gender and always medication, even if that's the point of the serious occurrence report: a medication error. Sometimes, the redactions obscure the fact that very intrusive measures are being used with very young children. We feel that we need complete information to understand the full circumstances and context of each situation.

Point five is about the ministry position. We believe that the notification to our office should be at the same time as the Ministry of Children and Youth Services and the coroner's office. That may speak to the streamlining issue. We're requesting that notification be immediate. Otherwise, we're in agreement with the ministry position with respect to (c) use of the term "serious bodily harm" and (d) retaining the duty-to-report reminder. As noted earlier, we're hoping—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. We'll start with the official opposition for the first three-minute round of questions. Ms. Jones?

Ms. Sylvia Jones: Thank you. With the implementation or passage of Bill 117, how will that change the resources in your office? Do you have trained staff who are ready to do this kind of work?

Ms. Diana Cooke: Yes, we do.

Ms. Sylvia Jones: And what would they be doing right now?

Ms. Diana Cooke: We have advocates right now who would be able to review the serious occurrence reports and notice if there are trends. Some of the residents we're well aware of because of the other advocacy work that we do directly with children and youth.

We haven't figured out how we would do it, but one potential way is that we have an advocate on call every single day. They may be responsible for reviewing the occurrence reports that come in that day and notify if there are any concerns that should be followed up on.

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. Peter Tabuns): Ms. Taylor.

Miss Monique Taylor: Just to lead on that, is that not where Bill 8 also comes into place, with the extra—

Ms. Diana Cooke: Bill 8 is the investigation powers. To get unredacted information, we would have to call a specific investigation, obtain that information and then write a report on it. Right now, what we're asking for is to be notified when very serious things happen to the children in the advocate's mandate and for the advocate himself to be able to follow up and ask questions. It may not turn into an investigation, but just to follow up, ask questions and raise concerns.

Miss Monique Taylor: That's right, and it only makes sense that he has those powers. If he's being given investigation powers, it only makes sense that he has the tools to do the investigation, correct?

Ms. Diana Cooke: We agree, yes.

Miss Monique Taylor: Right. Good. I really thank you for the work. Thank you, Irwin, for the work that has gone from your office into this bill and making sure that we get it right.

Mr. Irwin Elman: You're welcome.

Miss Monique Taylor: I would also like to hear your perspective on—and I heard a little bit, but if you could please elaborate on the fact of including youth justice, children's mental health and children with special needs. What does that do?

Ms. Diana Cooke: I guess the concern is that children with special needs or developmental delays are perhaps the most vulnerable. They're not able to speak for themselves most of the time, so this would be a proactive way of knowing if something serious has happened. As I say, we can look into it more and perhaps reach out to them if necessary. So we see it as a very valuable safeguard for that group.

As you know, there are concerns sometimes about incidents that happen in youth justice facilities; we've been raising them. So we'd like to have that information as well.

Miss Monique Taylor: Good. So just for clarity to the government: That would be the point of opening it up to the entire child—

Mr. Irwin Elman: Children's services system.

Miss Monique Taylor: Thank you—but the Child and Family Services Act, that all children who were under that purview would then fall under this and not just the CAS, which are also recommendations that came forward from the OACAS.

Ms. Diana Cooke: Correct.

Mr. Irwin Elman: I want to clarify, in case there is confusion, that this would not give us any more powers in terms of investigation or advocacy, but allow us to access information that helps us understand how the children's services system is doing.

Miss Monique Taylor: Thank you, Irwin.

Mr. Irwin Elman: You're welcome.

The Chair (Mr. Peter Tabuns): To the government: Mr. Thibeault.

Mr. Glenn Thibeault: Thank you, Chair. Thank you, Ms. Cooke and Mr. Elman, for being here today and presenting to us. Mr. Elman, you said something, I think, that really resonated with me: that many of these children may have been invisible in life but you will ensure that they will not be invisible again in death, and I think that was a very powerful statement, especially when we're looking at what we're talking about today.

It is such a difficult thing to even fathom: a child's death. The work that you do on an ongoing basis—again, I tip my hat to both of you and to your organization because it has to be something that's truly difficult. We wouldn't be able to do the great things that you're doing for our province, so thanks for that.

Ms. Cooke, maybe I'll open it to you and then if Mr. Elman wants to chime in, it would be great. Maybe you could outline what you think some of the benefits are of

your receiving information directly from the service provider that's now going to be laid out in this bill.

Ms. Diana Cooke: If you have a question about the streamlining of the processes, I don't think it matters to us whether it's the service provider or the ministry forwarding it to us. We would like the information that's received. But the benefit would be, as I had said earlier, that we know right away about the situation and some of the circumstances so we can act as a safeguard to follow up, alert the ministry, maybe even meet with the child and perhaps address the concerns.

The other thing, as I said, is that there are many parents who come to our office, and they don't know where to turn. They're not the person accused of causing their child's death. They're searching for answers. They don't know who to go to. They aren't getting answers to their questions. So we figure out who their questions are for. We make contact with those agencies. We set up meetings, hopefully, to give them information.

That was why I was hoping also that there would be a provision that parents would automatically be notified in the circumstances of the child's death, and, if a child is seriously injured, again, they may not think of calling the advocate's office but they may be in real need of help. They can be reminded and we will also know, so it's kind of a two-fold protection on each end.

Mr. Glenn Thibeault: Thanks. How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): Thirty seconds.

Mr. Glenn Thibeault: So in 30 seconds or less, the sharing protocol you currently have with MCYS: Will this change at all with the bill?

Ms. Diana Cooke: With this bill?

Mr. Glenn Thibeault: Yes.

Ms. Diana Cooke: So the problem is, we're seeking unredacted information. If that provision is accepted, then instead we'd be getting unredacted information. Currently, that information is redacted.

Mr. Irwin Elman: And immediate notification.

Ms. Diana Cooke: And immediate notification; sorry, yes.

Mr. Glenn Thibeault: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

UNICEF CANADA

The Chair (Mr. Peter Tabuns): Our next presentation is from UNICEF Canada: Mr. Bernstein. Mr. Bernstein, as you've seen, you have up to five minutes. There are three minutes per party for questions. If you'd introduce yourself for Hansard.

Mr. Marvin Bernstein: Thank you very much. My name is Marvin Bernstein. I'm chief policy adviser with UNICEF Canada and was formerly the provincial Children's Advocate in Saskatchewan for five years.

I want to start off by commending the government in terms of establishing the office of the provincial advocate as an independent office and conferring investigation

powers. I also want to commend the opposition parties in terms of bringing forward strong private members' bills such as the one that's being considered today. This is definitely progressive legislation which UNICEF Canada supports. There are some proposed amendments that UNICEF Canada is advancing, and I'll spend some time going over those. Those can be found in appendix A.

The first recommendation is that the proposed provisions set out in Bill 117 be enacted, in keeping with international norms for independent human rights institutions or offices for children and youth, subject to further corrective proposed amendments.

One of the points that sometimes gets missed is that the advocate's office is in fact an independent human rights office for children and youth. There is reference to the Convention on the Rights of the Child right in the advocate's legislation, and there are international norms that apply to those offices. Those international norms contemplate that those offices have broad powers, both in terms of advocacy and investigation, to promote and protect the human rights of children and have strong powers to access all relevant information, to be fully informed in terms of exercising the legislated functions of that office.

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The second recommendation is that Bill 117 be amended to include a provision requiring the information disclosed to the provincial advocate be complete and unredacted, and include a summary of the circumstances surrounding the death or critical injury of the child or youth.

One of the points I wanted to make is that, in my tenure as the provincial children's advocate and receiving this kind of information, over a period of five years, the only redacted information I can recall receiving was information protected either by solicitor-client privilege or cabinet privilege. So I was quite surprised to hear from the provincial advocate that the redacted information seems to be a regular occurrence in terms of certain aspects of the information being provided. So that's a recommendation that we advance.

The third recommendation is that Bill 117 be amended to include an obligation by an agency or service provider to inform the advocate of a child death or critical injury of which it has become aware. I would substitute "without unreasonable delay," based upon what I've heard in previous submissions in terms of immediate disclosure or information sharing, and "in accordance with any time intervals agreed to between the agency or service provider and the provincial advocate." In our brief, we reference a provision from the BC Representative for Children and Youth Act that contains such a provision.

The fourth recommendation is that Bill 117 be amended to include a definition of "critical injury," having regard to other related definitions of "critical injury," such as those appearing in the British Columbia Representative for Children and Youth Act and the internal policies of the Saskatchewan office of the Advocate for Children and Youth.

The definition of "critical injury" that is set out in our brief is taken directly from the BC legislation. There's also a definition that applies internally that was established during my tenure in Saskatchewan when the office took over responsibility for critical injury investigations in addition to child death investigations. "Critical injury" can also be confused with "critical incidents," which has a different kind of connotation—

The Chair (Mr. Peter Tabuns): Mr. Bernstein, I'm sorry to say that you've run out of time.

Mr. Marvin Bernstein: All right.

The Chair (Mr. Peter Tabuns): The first question is with Miss Taylor from the third party.

Miss Monique Taylor: Hi, Mr. Bernstein. Thank you so much for joining us today and for putting your input into this bill. I know a few recommendations are duplicates that we're seeing from others, including the advocate himself. There's duplication in notifying parents, notification of the child to his office, saying that people should know this information. That's fantastic.

The unredacted information: In other provinces, they're receiving all of this information completely unredacted. Is that correct?

Mr. Marvin Bernstein: Well, the information that I received in Saskatchewan was unredacted except in very extraordinary situations where the information was protected either by solicitor-client privilege or by cabinet privilege.

Miss Monique Taylor: Because there would be a police investigation or something that could interfere with that. Is that correct?

Mr. Marvin Bernstein: That's right.

Miss Monique Taylor: But receiving completely redacted information would have prevented you from doing your job. Do you think that?

Mr. Marvin Bernstein: Absolutely, because one of the opportunities is to consider whether or not there should be some form of systemic advocacy or a systemic investigation. If you don't have specific information, you won't be able to evaluate the trends and determine whether or not there are gaps in services in terms of age, gender and profile, to determine whether or not you should conduct a systemic or individual investigation.

Miss Monique Taylor: So redacted information does not make sense for the duties that he has to perform, and it's not in the best interests of the children for him to have redacted information?

Mr. Marvin Bernstein: I would support that conclusion.

Miss Monique Taylor: So you full-heartedly support the advocate having that unredacted information?

Mr. Marvin Bernstein: Having had a similar role in another province, I can say that, absolutely.

Miss Monique Taylor: And it is also within the UN convention, is that correct? Is that what you said: within child advocates across the UN convention?

Mr. Marvin Bernstein: Well, I think that what's contemplated in terms of human rights offices such as that of the provincial child and youth advocate is that there be broad access, comprehensive powers, and having the

tools and the ability to conduct purposeful investigations and advocacy. Requiring all of that information is extremely important.

Miss Monique Taylor: And just quickly, if I still have time, what about your thoughts about it being open-sourced to the entire Child and Family Services Act?

Mr. Marvin Bernstein: I would certainly support that. In fact, I would like to see broader powers of investigation across the board, in terms of all government ministries and agencies. But certainly within the ambit and the scope of this particular bill, broadening it out to other aspects of the children's service sector makes perfect sense.

Miss Monique Taylor: Thank you so much.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time. We go to the government. Mr. Thibeault.

Mr. Glenn Thibeault: Thank you, Mr. Bernstein, for your presentation and your information-sharing. I think your past history and your current position will really bode well for my next question, which leads to the changes that we're proposing in this bill. How does that compare to similar legislation in other jurisdictions here in Canada?

Mr. Marvin Bernstein: I think that some of the provisions would definitely bring aspects of the role of the Provincial Advocate for Children and Youth in this province in a similar function, in a similar way, to those functions carried out by counterparts in other parts of the country.

Mr. Glenn Thibeault: So I guess, then, in your opinion—we were talking earlier about the benefits of the provincial advocate receiving this information directly from the service provider, as laid out in this bill. Can you speak to that piece as well?

Mr. Marvin Bernstein: When I was the advocate in Saskatchewan, I received information directly from government ministries and from agencies. Anything that really facilitates immediate disclosure is helpful, because one of the quandaries is that you don't want to feel as though if you'd had the information earlier, you could have taken some steps or you could have conducted an investigation or formulated some recommendations that could potentially have prevented some injuries from befalling other children, or other child deaths.

If there is a delay and the information starts to back up, then perhaps you can't speak out. You can't investigate. You can't advocate. You can't speak to children. So the immediacy of the disclosure is extremely important.

Mr. Glenn Thibeault: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much, Mr. Thibeault. To the official opposition. Ms. Martow?

Mrs. Gila Martow: Thank you very much for coming in. We're hearing, I guess, a bit of a tug of war between different agencies, because everybody has their own perspective, and that's understandable.

But we're certainly hearing from yourself and the previous speakers that there needs to be an immediate sharing of information, and we all understand in this day

and age that if something has to be redacted, it's not going to be immediate. That's going to slow things down, because we imagine that all of a sudden, you have to manually print something out, redact it, have a supervisor look at it—"Did you redact it properly?"—and so on and so forth. There could be serious delays which could eventually cause a dangerous situation to escalate.

My question to you is, what would you think—you keep saying the word "immediate." To me, "immediate" is sharing information electronically. That's immediate. Redacting slows down the process. So would you advocate for a better sharing of electronic information between all these agencies instead of this whole slow-down?

Mr. Marvin Bernstein: I think that's a good point in terms of expediting the disclosure. Certainly, going through the process of trying to redact, determine what should come out, what should be excluded, all takes time.

The other point that was raised in the advocate's submission is that there are privacy protections that are contained in the advocate's own legislation so that he can't start identifying information with respect to children and families without the consent that is provided by the child or family, or if it's in the administration of justice.

Mrs. Gila Martow: In terms of the press and things like that, there's already legislation in place. Can the press get a hold of it? Is that the concern, that the press would somehow get a hold of private information and that would escalate the press's involvement?

Mr. Marvin Bernstein: Yes. There are certainly sufficient protections right in the advocate's own legislation. There are protections in the Child and Family Services Act with respect to non-disclosure of identifying information with respect to children and families.

Mrs. Gila Martow: Thank you very much. Is there any last comment you want to make? You have a few more seconds.

Mr. Marvin Bernstein: The last comment I would make is that we seem to be in a catch-up mode in Ontario. Looking across the country—I've mentioned this before—other jurisdictions are ahead of Ontario in terms of roles and functions that are being exercised by child and youth advocates. This is certainly a significant step in the right direction in terms of catching up, but we are not leading the pack. We are catching up from behind.

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you very much, Ms. Martow.

Colleagues, the other presenters have not yet arrived.

Mr. Mike Colle: I can get them, if you want.

The Chair (Mr. Peter Tabuns): You have them right there?

Mr. Mike Colle: They were in the—

The Chair (Mr. Peter Tabuns): They weren't outside when we checked.

Mr. Mike Colle: Okay.

The Chair (Mr. Peter Tabuns): A five-minute break. Please stay close so we can resume quickly.

The committee recessed from 1652 to 1659.

PREGNANCY AND INFANT LOSS
AWARENESS, RESEARCH
AND CARE ACT, 2015

LOI DE 2015 SUR LA SENSIBILISATION
AU DEUIL PÉRINATAL, LA RECHERCHE
SUR CE GENRE DE DEUIL ET L'AIDE
AUX PERSONNES VIVANT UN TEL DEUIL

Consideration of the following bill:

Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day / Projet de loi 141, Loi exigeant des recherches et des programmes sur les pertes de grossesse et les décès néonataux et proclamant le 15 octobre Journée de sensibilisation au deuil périnatal.

The Chair (Mr. Peter Tabuns): We now move on to public hearings on Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day. Each presenter will have up to five minutes for their presentation, followed by up to nine minutes of questions, shared equally by the three caucuses.

PAIL NETWORK

The Chair (Mr. Peter Tabuns): Our first presenter is from the PAIL Network. If you'd introduce yourself for Hansard, please proceed.

Ms. Wendy Mouldsdale: Thank you, Mr. Chairperson, for this opportunity to speak in support of Bill 141. My name is Wendy Mouldsdale and I'm speaking to you today both as the lead for education for PAIL Network—that's the Pregnancy and Infant Loss Network—and also from the perspective of a pediatric nurse practitioner at Sunnybrook Health Sciences Centre in the neonatal intensive care unit.

Over my 28-year career, I have supported many families on their journey of grief and loss when they have experienced the death of their infant through stillbirth or neonatal death. I believe that Bill 141 is a crucial foundation for us to share our knowledge and best practices towards establishing standardized care across the province.

On behalf of PAIL Network, I have taught over 600 health care professionals about how to provide compassionate and informed care to women and their families. I believe it is crucial that we make pregnancy and infant loss a priority health care issue. I know the difference that evidence-based training can make. I've seen it and I've heard about improvements in care as a result. This bill will bring about change that is long overdue.

Certainly, a key step in raising awareness and conducting more research into the reasons why one in four pregnancies end in loss is to engage and inspire health care professionals, provide them with the knowledge about how families experience loss and work through

their grief, how to communicate with families in a caring and sensitive manner at the time of the loss, and provide awareness about resources.

Basic entry programs in colleges and universities that are educating our future health care professionals, such as nursing, midwifery, medicine, social work, ultrasound technology and many others, do not offer adequate time in their courses for them to learn how to deliver compassionate care to bereaved parents experiencing pregnancy loss or infant death.

As I've travelled the province with the education team, too often I've heard stories such as these:

—a 35-year-old woman is in her hospital room, grieving the stillbirth of her baby, when the nurse walks in and asks, "Why aren't you with your baby?" We want this to stop; or

—a 30-year-old woman walks into the emergency room with severe abdominal pain and bleeding and tells the caregivers that she's pregnant. The doctor says to her, rather nonchalantly, "You're probably miscarrying. It happens all the time. We'll send you home with a kit, you can take care of it and your doctor will see you next week. You can always try again." We want this to stop.

As part of this bill's goal to support women and their families, there is an urgent need to educate health care providers in all disciplines. Whether or not you receive compassionate care should not be the luck of the draw.

Feedback from our training workshops we've offered around the province has been positive. They feel better prepared to care for bereaved families. They now have the needed practice tools to provide knowledgeable and evidence-based care.

Contact with bereaved families happens outside of the hospital walls, though, so we must be aware of this. A key goal of this bill is to support families in all areas, both geographic as well as the location of the care that they receive. More communities across this province must receive knowledge to provide these families with the most sensitive and compassionate care.

Research is also lacking about the lived experience of pregnancy loss and infant death. This is also a gap that needs to be filled. I am confident that this bill will indeed make a tremendous difference to the lives of women and their families who experience pregnancy and infant loss.

Thank you very much for your time today.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the government first: Mr. Colle.

Mr. Mike Colle: Thank you very much, Wendy. Could you briefly describe the work that you do out of Sunnybrook and with the PAIL Network in terms of educating front-line health care professionals across the province?

Ms. Wendy Mouldsdale: Certainly. PAIL Network provides one-day workshops that are led by two trained facilitators. Usually, one of the facilitators is a bereaved parent, and the other is a health care professional such as myself.

I have developed an evidence-based program that we take around the province. We teach about 60 people at a

time, usually in a hospital setting. We go through theory. Communication is a big thing because they want to know, “What do I say when I enter that room? How do I go into that hospital room, or that examination room, and start a conversation, or not?”

A key part of the day is the parent panel. We actually invite bereaved parents who live locally to the program, to actually come and share their stories. By far, that is the most poignant and important moment of the day, because our audience, or our attendees, actually get to hear directly what the experiences have been for people who have lived through it. That’s just a very important piece.

Mr. Mike Colle: What about the level of medical expertise and care that mothers receive across the province when they happen to be unfortunate enough to have a miscarriage or stillbirth? Is there a great variation on the level of care and expertise?

Ms. Wendy Mouldsdales: Yes. Unfortunately, as I said, it’s really the luck of the draw. We know that across our province, there is a lot of geographic disparity. There are definitely pockets of excellence, but there are far too many where we hear stories such as I told you, that even happen in facilities where we’ve hosted a program, because, of course, we haven’t reached everybody we need to.

Mr. Mike Colle: The type of expertise that is needed, the type of program that is needed, to help mothers and their families get through this loss—what would be an example of what is really needed to expand what you do, to help these mothers especially?

Ms. Wendy Mouldsdales: I think it really needs to be a multi-pronged approach, because we need to start in the basic education streams and we need to provide better teaching in the curriculum of the health care professions.

Then we also need to reach into any area, any facility, that does care for pregnant women. Those individuals who deliver that care must receive—I feel; we feel—additional training. That should be a mandatory piece of working in that area, so that they do have the proper tools for compassionate care.

The Chair (Mr. Peter Tabuns): I’m sorry to say, but you’re out of time.

We go to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you so much for coming in and explaining to us what you do. Obviously, we need better education and training of health care professions. We are all cognizant, I think, of that. But I think the public also needs to have some better understanding.

People joke sometimes. Most people, at one point in their life, ask a woman when she’s due, when she’s not actually pregnant, and they quickly learn never to do that again. Well, I know somebody who went through that experience who had a stillbirth. You look like you’re still pregnant, as we all know, whether you’ve given birth to a live infant or a stillbirth. She couldn’t leave the house for a couple of months afterwards. She did look pregnant, because you do look pregnant right after you give birth—most women do; we won’t talk about the nasty ones who don’t.

There’s a video going around on Facebook this week by Refinery29, and it’s on empathy versus sympathy. It explains that empathy is putting yourself in that person’s shoes, really, versus sympathy. Too often people say, “Well, at least”—and that, I think, is the big tragedy. Health care professionals and people in the community say, “Well, at least you’re still young enough to have more children,” or “At least you have other children,” that sort of talk that really has to end and is part of the problem.

I guess what I’m asking you is, are there any efforts to do public awareness campaigns or videos or things like that, so that we’re not just seeing, on our feed, about animals? We should talk more about people—

Ms. Wendy Mouldsdales: Thank you very much for the question. Yes, there are plans under way already. We’re using social media, so we have a Facebook page that already has over 750 likes—

Mrs. Gila Martow: Sorry, what is it called? PAIL?

Ms. Wendy Mouldsdales: The Bill 141 action committee page. There’s actually a page on Facebook. There’s also pailnetwork.ca, where there is a website. Then we have a Facebook page as well, and we are on Twitter.

But certainly, in terms of working on this bill together, there’s a Bill 141 action committee. We see in that committee how loss touches all walks of life. The expertise on that committee has already been offered to us to create a film or a video, both a longer one and a shorter one, that we can use in a public awareness campaign. We’ve just made our buttons and got them this afternoon.

PAIL Network is very eager to be a part of it.

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Mrs. Gila Martow: Okay, well, I’m looking forward to seeing that and helping you.

Ms. Wendy Mouldsdales: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Singh.

Mr. Jagmeet Singh: Thank you so much for your presentation and for being here. I think you’ve really explained the necessity for this by those anecdotal circumstances. I think they are really telling and I think they exacerbate an already very difficult time in someone’s life. The way you’ve captured some of those instances I think really speaks volumes about how important it is for us to develop a plan so that those types of circumstances should not happen again.

You’ve really laid out the case for why we need to do something about it, and maybe you could give us some direction with respect to where you think this research should go, where it should be directed to. What do you think—this is a long question, so feel free to take it how you like—

Ms. Wendy Mouldsdales: That’s okay.

Mr. Jagmeet Singh: —and I’m sure it’s going to take more than a couple of minutes to answer, but take as much time as you like to talk about some programs that you think would be important to develop and the general direction of the research.

Ms. Wendy Mouldsdales: Thank you very much. I know that Dr. Barrett and Dr. Kingdom are here in the room this afternoon and they're going to be speaking as well, so in terms of the obstetrical aspect of the research that's very much required, I'm going to defer to their expertise.

But certainly what I can speak to is that there is definitely a need for more knowledge about the lived experience of loss, so, a qualitative picture of research. Because a key part of increasing public awareness is to stop those sorts of comments, as the honourable member has already mentioned, the clichés: "You could always try again. You're young." You know, "At least"—when we teach in our program, one of the key things about communication we share is that any sentence that begins with "at least" should not leave your mouth. Instead, there should be a more positive statement, such as: "I wish this wasn't happening to you. I wish things were different."

So in terms of the research, I think it's very important to do far more research into the lived experience, such as subsequent pregnancies and the fear and panic, really, that ensue remembering back to the previous loss—and definitely, in terms of how we could then improve and raise public awareness, if we focus in on what is actually the lived experience. If the public knew more about it, I would hope that we would find more support and more compassion, and less often those offhand comments when people feel like they should say something, and as they grasp to say something, unfortunately, they say the wrong thing.

Mr. Jagmeet Singh: That's very helpful. In terms of the appropriate language, I think you've dealt with this on a very grassroots level, a very ground level. I think a lot of your experiences would be very vital in providing some of that leadership with respect to how we can develop a plan to ensure that the way communication is around understanding the loss is a more positive form of communication.

The Chair (Mr. Peter Tabuns): I'm sorry, Mr. Singh, but you're out of time.

Mr. Jagmeet Singh: Thanks.

Ms. Wendy Mouldsdales: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

MS. MICHELLE LA FONTAINE

DR. JOHN KINGDOM

The Chair (Mr. Peter Tabuns): Our next presenters: Michelle La Fontaine and John Kingdom. Michelle, as you've observed, you have up to five minutes to speak, with three minutes per caucus for questions. Before you speak, if you would just introduce yourself for Hansard.

Ms. Michelle La Fontaine: Sure. My name is Michelle La Fontaine.

Good afternoon, honourable members and ministers. Thank you for the opportunity to speak to you about an

urgent and long-neglected area of health care here in Ontario, which I am hopeful, together, we can make right, with the approval of the Pregnancy and Infant Loss Awareness, Research and Care Act.

My story is both from a personal lens and a professional lens, as the president of the board of directors for the Pregnancy and Infant Loss Network, or PAIL Network, as it's more commonly known.

Ten years ago, my husband and I lost our twin babies. They were at 20 weeks' gestation—a boy and a girl. The grief we suffered was immeasurable. There were days that I thought we would never experience any joy in our lives, ever again. I ached for my babies. I felt this sense of detachment from the rest of the world, like I didn't belong anymore. What had happened to us was something unimaginable and, for most, unspeakable. We had absolutely no idea how we were going to live with this tragedy.

Although the hospital staff were kind and caring, we left without any referrals or resources for what our next steps would be. I didn't know anyone who had lost a baby. I didn't know of any services that were available for parents who had suffered perinatal loss. I didn't know how I was going to even put one foot in front of the other.

The days and months that followed were the darkest of my life. The discomfort I sensed when around colleagues, friends and family as I was grieving was palpable. I could tell they wanted to help, wanted to do something, but they had no idea what to say and so they fumbled. They said the wrong things, and eventually they said nothing at all—silence.

We learned about PAIL Network through a friend, who had a friend who knew someone who had experienced a loss. We connected over the phone, and for the first time since losing my babies, I felt like someone actually understood. I began attending peer support groups and learned that my feelings were very common for those who have experienced pregnancy and infant loss.

This need for connection has never been more evident to us at PAIL Network as our peer-led support groups have grown from 11 groups in 2014 to 27 peer-led support groups across the province in 2015.

For all the families PAIL Network has helped, there are thousands more we have not reached. We are an organization run by two paid staff members and a dedicated team of volunteers all over Ontario who seek to minimize the suffering and provide support to help families learn to live with their loss.

This bill provides PAIL Network, the leading organization for pregnancy and infant loss support and education, an exciting opportunity to partner with the Ministry of Health and Long-Term Care. This partnership would serve to introduce standards of care that would allow parents the same rights and access to services that are automatically given to parents who have given birth to a healthy baby.

Parents are discharged from the hospital with a healthy newborn, along with information about how to contact

their local public health nurse, lactation consultant, and are seen by a physician within three days of leaving the hospital.

Parents who leave the hospital after their baby has died are empty-handed and in shock, yet expected to seek out the support they need and somehow learn how to accommodate the loss of their baby into their lives. Stronger partnerships with Ontario hospitals can guarantee that these parents receive the follow-up care they need from trained support providers and the opportunity to connect with other parents who can share in their pain and begin to provide them with the hope that they, too, can learn to live with their loss.

Canada has the second-highest rate of first-day infant mortality in the industrialized world. This suggests that further attention must be paid to better understanding the causes of infant mortality. Bill 141 can lead the way for the rest of the country by conducting coordinated research that is the first of its kind and could begin to provide answers to questions that haunt Ontario families.

In closing, I'd like to say that on behalf of PAIL Network and all their families and volunteers, we believe that today is an incredibly important day. Today marks what we hope will be a crucial first step to transforming the lives of mothers and their families across Ontario by giving them the support they so desperately need and deserve. Thank you so much for your support.

Dr. Kingdom.

Dr. John Kingdom: Very briefly: Thank you for the opportunity to speak. I think you gave a very compelling story.

I'm a practitioner in the area. I've personally delivered several hundred babies that are not alive at birth. I worked at Mount Sinai for 18 years, and I'm now the department chair at the University of Toronto, which is Canada's biggest OB/GYN department. We have extremely good relationships in this city with Mount Sinai Hospital and Sunnybrook. We'll hear from Dr. Barrett how both have programs around this area of pregnancy loss. It's primarily a placental problem; that's my expertise. I could certainly make suggestions where we could help to improve research, which would result in cost savings and more effective care—

The Chair (Mr. Peter Tabuns): Dr. Kingdom, I'm sorry to say that you're out of time.

Dr. John Kingdom: That's okay.

The Chair (Mr. Peter Tabuns): We go first to the official opposition. Ms. Martow.

Mrs. Gila Martow: I didn't quite catch what Michelle said about how we have high one-day infant mortality rates compared to—

Ms. Michelle La Fontaine: Yes. Canada has the second-highest rate of first-day infant mortality in the industrialized world.

Mrs. Gila Martow: I'm so surprised to hear that. Maybe the doctor would want to comment. Is that a statistic you're aware of?

Dr. John Kingdom: I'm not aware of that particular statistic. It could relate to the week of pregnancy when

babies are born. Canada does have a relatively high pre-term birth rate in relation to other countries in the world, so it could be related to that. Of course, we have province-specific statistics. We don't really have true aggregated data for the entire country. Ontario has excellent data through the BORN network. That's an extremely important advance for this area in Ontario because we actually, by registry, capture all pregnancies in Ontario.

Mrs. Gila Martow: Well, I know that it was something new 20 or 30 years ago when emergency rooms would have separate rape crisis rooms just to deal with that, and I would guess that maternity wards—I've never asked. Maybe it's an opportunity for you to explain what happens. Is a woman who has given birth to a stillborn child placed in a shared room with women who have had live births? It would seem cruel.

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Dr. John Kingdom: No, they get single rooms with voided expenses. That's a pretty unanimous approach. I can certainly account for, I'm sure, Sunnybrook and Sinai. I think we have well-developed, deeply compassionate care.

The issue that's coming across here is to spread best practices across the entire province. That's the key point. We can be centres of excellence and lead by example, but it's the knowledge translation that's necessary to improve care for the whole province.

Mrs. Gila Martow: Okay. I think that's what we need: We need to have teams to go and see what other hospitals are doing. Thank you very much.

Dr. John Kingdom: My pleasure.

Mrs. Gila Martow: And thank you. I'm certainly not going to say "at least"; I'm going to say thank you for sharing your story. I'm glad that you're getting the support that you needed and are giving support to other women now.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Singh?

Mr. Jagmeet Singh: Thank you both so much for being here. Just as I was saying to the earlier presenter, when Ms. Moulds spoke, she shared her experiences providing the care or seeing some of the issues around the care, and that was very compelling. You providing your own story is very important, and I want to commend you on how tough it must be to have to relive that in a public forum like this. I know it must be difficult. I can't imagine how difficult, but I can appreciate that it must be, and I want to thank you so much for sharing your story. I think it's important.

Ms. Michelle La Fontaine: Thank you.

Mr. Jagmeet Singh: You touched on, first of all, how difficult it was when there was no service immediately. One of the suggestions I'm going to extrapolate from that—and you said this in your comments as well—is that whatever program we develop or whatever program comes about as a result of this study or the research should provide a strong connection immediately to the parents, and both probably need the services. It should

provide that so it's not something you have to go out and find; it should be something that's immediately connected to you. Can you maybe talk about how important that would be?

Ms. Michelle La Fontaine: Absolutely. As I mentioned, I think that in the same way that when families are discharged from the hospital they get automatic referrals to services that they will need to care for their baby at home, families who have experienced an infant loss in the hospital should receive automatic referrals to the supports that they will need for their grieving.

When you are discharged from the hospital after you've had a miscarriage or an early infant loss, you are kind of left on your own to figure things out. As Wendy mentioned, there's a very ad hoc approach to this. There are some centres that will perhaps give you a pamphlet or a website, but there is very little follow-up that happens for the family. So not only are you left to grieve this traumatic loss, but you're also left to, first of all, admit that you need support in order to get through this, and, secondly, to find it.

Thank goodness for the Internet, but you can imagine families—even when I had my loss 10 years ago, the Internet wasn't what it is now. To hear of mothers, through their tears, trying to find websites, trying to find Facebook groups, trying to find somebody who will support them, is tragic.

Mr. Jagmeet Singh: Thank you so much.

Doctor, to you, I just want to perhaps connect providing this type of service right after the loss to deal with the grieving: Would there be any benefits for those families, the mothers who then want to—I don't know if you know of a more polite way to say it—try again in the future? Would there be benefits, in terms of the additional attempt, to maybe reduce stress? Would that perhaps facilitate an easier birth the next time around? Is there some data around that?

Dr. John Kingdom: Absolutely. Yes. I think both Sunnybrook and Mount Sinai have long-standing, well-developed next-pregnancy programs. In England, it's known as the Rainbow program, which is a very nice term. It has to be very holistic and very broad, so it has to, for example, discuss ultrasound; in the same visit, it has to include psychological health and excellent, high-level continuity of nursing care. Continuity of nursing care is extremely important.

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time with this question.

Dr. John Kingdom: That's okay; don't worry.

The Chair (Mr. Peter Tabuns): Such is life. We go on to the government party. Mr. Colle, you may ask—

Mr. Mike Colle: Thank you. I'm going to try and give Dr. Kingdom a bit more time.

I just want to comment on Michelle's presentation. You're doing all this work across the province with two staffers and I think a Trillium grant.

Ms. Michelle La Fontaine: That's right.

Mr. Mike Colle: And that money's running out.

Ms. Michelle La Fontaine: It ends in June.

Mr. Mike Colle: So that's basically the state of affairs here in this province.

If I could just move to Dr. Kingdom: You have travelled the whole world, along with Dr. Barrett, and you've seen best practices and the research that's being done. What areas could we possibly get into here in Ontario that you feel would really help change the paradigm in terms of maternal health and infant loss?

Dr. John Kingdom: Several things. Very briefly, I think that all the high-risk pregnancy centres could be mandated to have clinics for pregnancy loss and have mandated response times, so a woman and a partner who have a stillbirth should be seen in those centres—because all the centres in Ontario do have maternal fetal medicine or high-risk pregnancy services.

We could advise the Ministry of Health on intelligent and more precise use of ultrasound. We can advise the Ministry of Health on knowledge translation strategies; for example, intelligent use of moms counting baby movements. We have standards where if moms feel the baby is not moving properly, then we have 24/7 proper response times. There is chart work done in the UK and Australia that clearly shows that at a population-based level, these interventions will halve the rates of stillbirth.

Psychological support services are extremely important and well-developed at big centres like Sunnybrook and Mount Sinai, but they need to be developed elsewhere. So all high-risk pregnancy centres in the province should have aligned perinatal psychiatrists. We also need dedicated nursing staff, so clinical nurse specialists aligned with these clinical programs, because they provide the support to patients with telephone calls on a daily basis, where each of us may work in that service one day a week. So the continuity of nursing support care is also extremely important. We can advise the Ministry of Health in all of these areas.

The good news in Ontario is we have tremendous expertise and goodwill in our system to really raise the bar and be a leader in the field.

Mr. Mike Colle: Okay. Thank you very much, Doctor.

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

MS. JAMIE MCCLEARY

The Chair (Mr. Peter Tabuns): Our next presenter is Jamie McCleary. Ms. McCleary, as you've seen, you get up to five minutes to speak and three minutes per caucus for questions. Please introduce yourself.

Ms. Jamie McCleary: My name is Jamie McCleary. I am a bereaved mom and a volunteer with the PAIL Network as a peer-to-peer support counsellor.

Nothing prepares you for the loss of a child. The furthest thing from my mind when I learned I was pregnant with my second child was that I'd never see him alive. I took every moment with him for granted, not unlike almost every couple expecting a baby. I spent one morning completely giddy, anticipating my 13-week

ultrasound appointment later that afternoon. I wanted nothing more than to see my baby boy, to look at his profile and see if he, like his sister, would look like his daddy. I wanted to sit on my couch and study the grainy black-and-white photo with my husband, to pick out all the features we recognized and to finally show our daughter her baby brother. I wasn't prepared for the events that would follow.

I didn't think much of it at first when the ultrasound technician refused to speak to me at all. I thought it was a little odd that she asked me when I was expected to see my doctor next, and when she refused to let me see my son on the screen or to give me his picture to take home, I knew something was wrong. She wouldn't tell me anything, and I was terrified. I sobbed the entire drive home, all alone, trying desperately to get a hold of someone who could tell me what was wrong with my baby. My doctor was unreachable, my husband wasn't home from work and I didn't know what to do.

I tried for hours to reach my obstetrician. When my phone calls were finally returned, I was told to come in immediately. We were seated in the waiting room among four heavily pregnant women, waiting to find out what was wrong with our son. I could never have imagined that any medical professional, especially a female obstetrician who herself was expecting a baby, could be so cold. She handed me a file and said, "So, your baby's dead." She handed me a prescription to bring on labour, told me to go home with vague directions of problems to watch for and left the room. Most health care professionals simply do not know how to deliver compassionate care to families in our situation.

I was clueless about what to expect from then on. I didn't realize I would be in labour for over 17 hours. I didn't realize it would be the most excruciating pain I had ever felt in my life. We didn't know we would need to make arrangements for someone to watch our daughter so that my husband could hold my hand instead of having to distract our two-year-old in the basement when she was afraid of her mommy's cries of pain. I have never felt more alone than I did during that day, struggling to deliver my son alone in my bedroom.

When he was born, I sat on the floor of my bathroom, holding him in my hand, not knowing if I should clean him up to look at him. I felt as though I was doing something wrong. I felt judged and confused, and in the end I let my thoughts win and ignored every impulse in my body to really see my baby. That's the greatest regret of my life. There isn't a day that goes by that I don't think about that moment, wishing that I had been stronger, wishing that I had known that it was okay, that loving my son wasn't something to be ashamed of.

I was absent for the next two months, incapable of being the mother I had been before to my little girl, Kaelin, who had just turned two. I couldn't rock and sing Kaelin to sleep with the song I had chosen for her, remembering the nights before when I had added her brother's song to our routine so the baby would know it when he was born. I was furious with the world.

More than 1,000 healthy babies are delivered every day in Canada, so why was my son, Perrin, who was loved beyond description, torn from us? While intellectually I knew that I had done nothing wrong, I still felt a tremendous sense of guilt. Emotionally I blamed myself, wondering if there was something I had or hadn't done right. Perrin depended on me to protect him, to sustain his life, and I felt I had failed him, my husband and daughter, and I had failed myself.

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I hated continuing on, pretending to the world as though Perrin didn't matter; like his 13 weeks of existence hadn't changed my life permanently. He was born out of as much love as his sister Kaelin, so why was he so insignificant to everyone else? I wanted to know why my son's heart had stopped beating. I wanted answers and there were none. I had so many things I wanted to do for him and for myself, just to process the grief I was drowning in, but I kept hearing the voices of everyone around me asking if I really thought that was a good idea.

I knew that I needed help, and I had heard about an amazing organization called the Pregnancy and Infant Loss Network, known as PAIL Network. They have been helping families like mine for nearly 25 years, and so I reached out to them nearly three months after Perrin died. I drove 45 minutes just to have the opportunity to sit with people who knew what I was feeling, and to be able to let out all the feelings I had been concealing to myself. That hour was the most cleansing experience: lighting a candle for my baby; crying in the open, without having to hide my grief; and learning, for the first time, that there was no wrong way to grieve.

That meeting changed my life. I was able to tell my husband what I needed, and together we sat down and gave our little boy his name. Perrin was finally given his place in the world, and in our family. I was able to celebrate my son and do whatever I needed to finally let myself begin to heal.

When the unthinkable happened and our next baby, another little boy, died inside me at 18 weeks, I was no less devastated by his loss; but I was better-equipped to cope, to process and to grieve. We chose his name, Matteson, during my labour and we fought for what we needed during and after his birth—immediately.

In the months following, I knew enough to do what I felt I needed in each moment and each circumstance, and the devastation I felt gradually became less intense; a permanent ache, rather than agony.

I fought to get help, to understand the medical reasons behind our sons' deaths, and I researched as much as I could about programs that could help to prevent us from having to bury another one of our children. It was a struggle finding such a program, and writing letter after letter, getting referral after referral, just to be accepted into one of the programs that were so overtaxed with women in the same situation as me.

Mount Sinai's Special Pregnancy Program is astounding. They cared. They were invested in my understanding, and in finding answers for my husband and I; and

they wanted me to have a successful and easy pregnancy. When I became pregnant with our third son, I was reassured constantly. Every feeling I had was understood and nurtured; they made me feel as though they were experiencing the pregnancy with me and they were genuinely emotional when they handed me my son, my wonderful, alive little man.

The pain that parents feel when they have no children on earth is real. They are no less parents than anyone else, but they feel invisible and they deserve better. Parents who struggle through the loss of their baby with a community who treat them as a statistic, a common occurrence, deserve better. Parents who encounter the exasperated dismissal of their concerns and fears from medical staff, who don't understand the constant need for reassurance, deserve better. Families who feel stifled in their need to acknowledge the short but significant lives of their babies deserve better, and to those of us who have experienced it all, our babies deserve better.

No one should have to struggle to find help; whether it's help in grieving, help finding answers to the cause of their babies' deaths, or help in sustaining a subsequent pregnancy. That medical care should be available to families; it shouldn't be so hard to locate or to receive. We need to address this tragic gap in our health care system and end the notion that pregnancy and infant loss is insignificant, less worthy of medical support or acknowledgement than any healthy delivery, or the loss of any other member of our families.

Women who have lost a child deserve access to the same quality of care as those who have a healthy delivery. This is precisely why we need the Pregnancy and Infant Loss Awareness, Research and Care Act. In the immortal words of Dr. Seuss, "A person's a person, no matter how small."

Special thanks to Mike Colle for your support, and to all the members here for listening and taking the time to address this urgent need in our health care system. You have no idea how many thousands of families you are about to help by approving this legislation. Thank you for helping to break the silence, and improving pregnancy and maternal care.

The Chair (Mr. Peter Tabuns): Thank you very much. The first question goes to Mr. Singh.

Mr. Jagmeet Singh: Thank you. Like I said before, I don't have the words to express this, but I really want to thank you for showing the courage to share your story, and share it in such a public context. I really appreciate that.

Ms. Jamie McCleary: Thank you.

Mr. Jagmeet Singh: I think you're doing a great service, not only for yourself, for your loss, but you're also a voice for people who are unable to share that story. Thank you for doing that.

You explained so much in your deposition; maybe a couple of suggestions: Do you have any specific suggestions with respect to what the program, from your perspective—having been through what you've been through, any suggestions on what a program should look

like, or what a program should be comprised of, or any components of it, that you might recommend at this point?

Ms. Jamie McCleary: There should definitely be a standardized set of medical care and procedures for delivering stillborn babies, or delivering any miscarriage or anything like that. I know that with our second child, we delivered him in the hospital's postpartum unit. We were next door to brand new babies, and we had to lock ourselves in our room so we didn't have to deal with that. Having centres or specific areas of the maternity ward for just bereaved parents or parents delivering stillborn babies would be amazing, and then instant access to someone, whether it's a perinatal psychiatrist or a counsellor, to come in and offer them suggestions for support. Giving them ideas for postnatal care and everything like that would be amazing.

Mr. Jagmeet Singh: Okay. Actually, one question just came to mind: Did you feel that it was a better experience—well, I guess it's hard to compare, because the second time you had more knowledge. But is it better to be in the hospital for this type of situation? Would it be better in the home? Are there ways to make it better in the home? Are there ways to make it better in the hospital? What's your experience?

Ms. Jamie McCleary: I was told, after I delivered my son Perrin at home, that I never should have been sent home. I should have been in the hospital because of needing a D&C afterwards, and the instance of hemorrhage is higher when you're having a miscarriage or when you're inducing a miscarriage, which I had to do in my case.

Things like that should be acknowledged and then dealt with in a hospital setting rather than at home. I don't know what that would be like earlier in pregnancy, and I'm not sure if it's specific to different stages of pregnancy, but it's something that definitely needs to be made known to people who are experiencing a loss or who are going to be experiencing a loss. They definitely need information up front on both ends, to the parents and to the medical staff.

Mr. Jagmeet Singh: Thank you very much. No further questions.

The Chair (Mr. Peter Tabuns): Government side? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Thank you so much for coming in, Ms. McCleary, and sharing your powerful, heart-wrenching and very personal story with us. As has been mentioned already, it absolutely takes courage to come here, but it is so important that you do come here and share your story with everyone so that we can all learn and move forward from this.

I especially appreciated your references to feeling invisible and feeling that you really deserved better. I wonder if you could tell me: How good a step is this bill, Bill 141, towards bringing things out of the shadow and shedding a little light on this issue? Is it important to you?

Ms. Jamie McCleary: Oh, it's very important, even so far as creating public awareness, because people will

understand that we want to talk about our babies. We want them to know that to us, they are not just a miscarriage. They're not just a baby that we lost at 18 weeks. They are just as much our children as every other child we have. There is no difference.

Understanding that we don't need to be avoided in the streets and we don't need to pretend it never happened and never talk to us about it—because that's not something that most of us want. Most of us want to talk about it. Everybody wants to talk about their children, and everyone is proud of their children, regardless of what has happened to those children. Having the public understanding that this is an issue is amazing, and it's a really great thing to have October 15 as Pregnancy and Infant Loss Awareness Day, for public information.

Then, just create that awareness in hospitals that saying things like, "Oh, you're young. You can just try again in a couple of weeks," or things like that is not helpful, because to parents experiencing that loss, it isn't a loss; it's the death of your child. It's such a difference between what is believed or what is perceived and what is actually happening in the lives of those families that are experiencing the loss.

Ms. Indira Naidoo-Harris: Thank you. Just one final question: How does Bill 141, do you feel, affect you personally in terms of your experience, which was clearly very challenging? Does it bring you some closure? Do you feel that it helps?

Ms. Jamie McCleary: Definitely. Even the experiences with the medical staff—first with my son Perrin, not being given that proper care initially leading up to his birth; and then with our son Matteson, the things that we experienced in the hospital and the staff not knowing how to deal with us, being afraid to deal with us, because they were dealing with the birth of a child that was dead—to be able to change that, and to know that I can help change that and make it so that no other family ever has to go through that and has to experience that pain and the horror and the isolation, is amazing. It's really important to be able to do that, and it's important to me, personally, because I don't want anybody to ever feel the way I felt.

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The Chair (Mr. Peter Tabuns): Thank you, and I'm sorry; we have to go on to our next questioner. The official opposition: Ms. Martow?

Mrs. Gila Martow: Thank you so much, as well, for coming in and sharing your experiences. You're a mother of four children—

Ms. Jamie McCleary: Five.

Mrs. Gila Martow: Five. Sorry; I lost one in the storytelling. I think that it's the last taboo. There aren't many taboos that people don't feel comfortable talking about, but this is definitely one of the few that are left. I think that what you're doing in terms of public awareness is fantastic because it's very, very difficult for people to address.

I think that part of it is that we have a medical system that's under immense strain. There are a lot of budgetary

concerns all the time and short-staffing all the time. I think that it's a medical system that's focused on the living. I think that there's a lot of indignity, not just to infants or children who die soon after delivery, but I think that there is kind of a little bit of indignity sometimes in death. I know we're focusing today on just infants and on infant death, even if it's not stillborn, but death soon after. I think that's something, I hope, that's going to be addressed now. We haven't really touched on that today: What happens to those babies after they die, and what can we do? As you said before, is there anything wrong with taking pictures? Is there anything wrong with having something to remember? So I think that that's going to be the next frontier in all of this.

Ms. Jamie McCleary: Hopefully, yes.

Mrs. Gila Martow: And if you want to comment?

Ms. Jamie McCleary: Yes. There's not a lot of time given once you deliver a baby. With us, I delivered my son Matteson after about 15 hours of labour, and I slept for a few hours. After that, they usher you out as quickly as they can. For a family who's not sure what they want at that point—because you're in shock; you're in denial. There's just so much going on that you can't really process what it is you want. There are some parents that might initially say, "We don't want to see the baby. We don't want to hold the baby," and then they leave; they're dismissed from the hospital. Two hours later, the mom has an overwhelming need to hold her baby, but it's too late because generally babies are just disposed of. They're thrown out with the medical waste if they are not buried or retrieved by the parents. Giving parents a solid period of time to come to terms with what it is that they want and understanding that that period in the hospital is all they get—that's the only time they get with their baby to take pictures. So an entire lifetime of memories has to be done in whatever period you have in the hospital.

The Chair (Mr. Peter Tabuns): Ms. McCleary, I'm sorry to say that we've run out of time. Thank you very much.

Mrs. Gila Martow: Thank you very, very much.

Ms. Jamie McCleary: Thank you.

SUNNYBROOK HEALTH SCIENCES CENTRE

The Chair (Mr. Peter Tabuns): Our next presenters are Jon Barrett and Megan Fockler.

As you've probably observed, you have up to five minutes to speak, and three minutes of questions per caucus—and if you'd identify yourselves for Hansard when you start to speak.

Ms. Megan Fockler: I'm Megan Fockler and I work as an advanced practice nurse at Sunnybrook Health Sciences Centre.

Dr. Jon Barrett: I'm Jon Barrett. I'm the chief of maternal-fetal medicine at Sunnybrook Health Sciences Centre and an obstetrician.

Ms. Megan Fockler: Honourable members and ministers, thank you for the opportunity to speak today in support of Bill 141.

Dr. Barrett and I have come together to speak tonight because, in our experience, to adequately address the health care needs of women and families experiencing perinatal bereavement, a comprehensive care team must be involved. No one person or profession is able to adequately support women and families alone, and we support the collaborative spirit of this bill.

As obstetrical health care providers, we often provide care to women and families who are experiencing the loss of a pregnancy or death of a baby, or a pregnancy subsequent to such devastating loss. We know that the type of care women receive at these times impacts their lifelong health and well-being. We also know that timely, knowledgeable and sensitive care varies across the province of Ontario, and that many women and families do not receive appropriate care and support. The passing of Bill 141 will ensure that more care providers are adequately trained to provide the types of support families need.

In July 2014, in response to a gap in care identified by women in our local community, the Women and Babies Program at Sunnybrook Health Sciences Centre committed to better understanding and addressing the needs of women who were pregnant subsequent to a late-pregnancy loss, or the death of their baby shortly after birth, through the implementation of a specialty care program for this population.

During this process, we learned that women experiencing pregnancy subsequent to late perinatal loss or death have unique care needs that current obstetrical management processes do not adequately address. We also discovered that while the need for an improvement in care processes exists, little is known about best practices for care delivery.

In the past year and a half, we have cared for over 50 families in our specialty program. Through this process, we learned that many women have higher levels of depressive symptoms and pregnancy-specific anxiety than those without a history of loss, and that many women experience isolation from their normal support networks during this time.

We learned that women need holistic care and have increased psychosocial needs, and that they may utilize more health care resources, have more interventions and have an increased sense of vulnerability and doubt about their ability to successfully have and parent a baby.

We know that women experience or perceive a lack of support from others, and report feeling that their experiences are misunderstood and minimized by friends, family members and health care providers. We know that women seek reassurance through interactions with care providers but that actual contacts often fail to meet their expectations.

Although we know that a lack of understanding of the impact of perinatal death reduces the health care providers' capacity to provide adequate emotional and psychological support during subsequent pregnancies, there is good news. Women consistently evaluate specialist support positively. Continuity of care with consistent

health care providers who offer flexible care options in their area of specialty facilitates support during pregnancy and in the postpartum period.

We discovered that a holistic, multi dimensional and interprofessional approach to care appears to be the best way to provide care to families pregnant subsequent to late perinatal loss. The passing of Bill 141 will help to ensure that more women are offered specialty and individualized care.

Dr. Jon Barrett: I had a script to read, but I'm not going to do that. I just want to appreciate the parents who are here to illustrate just how important the work we are doing is, and that has made me decide not to follow the script but just to speak from the heart.

The thing that we did at Sunnybrook which was different is we decided to focus, in a multidisciplinary manner, a special clinic for women who have lost babies, as opposed to our colleagues at the centre of excellence at Mount Sinai, who have this pervasive theme through Dr. Kingdom's placenta clinic.

We made the special clinic just for focusing on women with pregnancy loss, because we were told to do that by our patients who had lost babies. They told us what we were doing wrong. They told us it had to be multidisciplinary. They told us it had to be a special place. They told us their babies had to be remembered differently. They told us how they wanted to be looked after in their next pregnancy. So we did that and evaluated it, and are continually learning more and more about what we need to do for these women.

We looked around internationally to see what else was being done and could only find one other place, in the UK. Very soon, we collaborated and had an international consensus meeting, which was held in Vancouver under the auspices of the International Stillbirth Alliance.

There is energy on this level now; it's the right time for this bill to happen. There's a multi-dimensional approach. We need to find out new knowledge for what we need to do, to help and support these parents, who have been doing it by themselves.

Our own clinic was only funded by a donor. It couldn't come from hospital funding; it had to come from a donor.

And then, as Dr. Kingdom said, there's a lot we know that's just not translated. We can prevent stillbirth if we rationalize and teach people exactly about fetal movement counting. If we're careful, we can advise the government on how to rationalize ultrasound and when to do it, at the best time to prevent the stillbirth.

The Chair (Mr. Peter Tabuns): Dr. Barrett, I'm sorry to say that you've run out of time.

I'm going to go to the first question with the government. Mr. Colle.

Mr. Mike Colle: Thank you very much, Dr. Barrett, and to Megan, for your very concise and compelling presentations.

I just want to say that I think, Dr. Barrett, you've hit the nail on the head, in that we seem to have the expertise to know what maybe should be done, and expanding

programs and creating programs. As you said, you've been told by the mothers. What we don't have is basically the resources in place right now to implement what needs to be done.

As you said, the clinic at Sunnybrook is funded by a donor that's outside the normal mainstream system. I think that really, as I said, is the most eloquent way of stating the real problem here and why we need this kind of legislation.

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Dr. Jon Barrett: And we're coming to a stage now that donor funding has stopped. So how do we possibly go back to doing it the way we used to do it? We know that the way we used to do it, perhaps as good as it was—because we're an academic centre and we strive for excellence, we've always, we think, done things well. Compared to the way we're doing it, how do we go back now when the donor funding runs out? We can't go back, because you realize when you're doing something well that that's the way we should do it.

And don't get me wrong. There are still knowledge gaps that we have to find out, while we're translating the knowledge that we already can. And I believe that through centres of excellence like Sunnybrook, like Mount Sinai, with leaders perhaps like Dr. Kingdom and myself and Megan, and parents—this is not a doctors or patients thing; this is a team approach. It can be a clarion call across the province so people can learn from what we've done, with the appropriate resources, which is what I think this bill will do.

Mr. Mike Colle: Thank you very much. Well said, Doctor.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Colle. Ms. Martow?

Mrs. Gila Martow: I think you touched a little bit on it, and I was talking to Jamie—Jamie, you're okay?

Ms. Jamie McCleary: I'm fine.

Mrs. Gila Martow: Okay. We were talking a little bit about what is the protocol. I'm wondering if, instead of asking the parents, if there is a protocol in place at your centre to take pictures of the baby, to clean the baby and to wrap the baby and to take pictures of the baby, and then wait to ask the parents if they want to see them or not see them—I would guess that you can't ask the parents right away. But I have a feeling that a month or two later, the parents might want to have some kind of memento, or maybe, if there are siblings, it might help them with the process. Because part of the problem, in my mind, is that children are told to expect a sibling, and children aren't really equipped to deal with that kind of loss. So I'm hoping that the children are involved in whatever your program is doing.

So I guess I'm asking you two questions. What do you do? Do you take pictures? And do you involve any siblings?

Ms. Megan Fockler: At Sunnybrook, we have a fairly developed bereavement care program. We are fortunate that we do have pictures. Our NICU team is very in-

volved as well. We do hand and foot moulds and keepsakes, and we have a spiritual care team that will come and see the family.

If a family isn't sure that they want those mementoes right away, we do keep them for them so they have the opportunity to come back if they would like. There is also a volunteer photography service, Now I Lay Me Down to Sleep, and they have professional photographers who will come in, if they are available, to take pictures for families as well.

We do, at Sunnybrook, have a bereavement committee that is talking about involving siblings in the loss of the baby or the pregnancy. This is something that we do in the form of colouring books and stories, and there are some resources out there, but this is not consistent across the province, for sure.

Mrs. Gila Martow: Of course. Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Singh?

Mr. Jagmeet Singh: Thank you, again, for your deputization and for sharing. I think one of the things that I want to commend you both on is that it sounds like Sunnybrook has definitely shown a lot of leadership and could be an example of what we'd like to see in terms of a province-wide system. I think you're doing a lot of work, and I think one of the points that you mentioned was that the program doesn't actually have funding independently for it to exist. That's definitely a gap that needs to be filled. Maybe you could talk about how important that is.

Dr. Jon Barrett: Thank you. I think it's really important. By having this funding, it allowed us to step back from the general care that we give people. For a long time at Sunnybrook, and I'm sure at Mount Sinai, we've taken pictures of babies and hair locks and done that, but to have a developed program, it's more than that. It's a whole scheme of seeing the patient through from her loss through to her next pregnancy.

We heard from one of our parents about how she was treated at the special program at Mount Sinai. There's an attitudinal approach to these people. Their next pregnancy is a nightmare. They are waiting for their baby to die every time they come for their ultrasound. What they don't need is somebody asking them the same question about, "What happened to your baby last time?" They need compassionate care.

That often has to be done, and the way that we did it was by a designated champion, which is Megan's role. She's in constant contact with the patients. They can contact her all the time. They don't have to wait for next week to get the ultrasound. They get it, as Dr. Kingdom said, on the same day.

It's a whole-team approach, and we're constantly learning from our patients how to adapt that, and, at the same time, always asking the research, both qualitative—How are people feeling? How are people relating to it?—and quantitative: How can we investigate this better? What are the causes? Can we get more information?

So it's a whole-program approach, which takes money, and we're very fortunate that our donor—because she experienced a loss, and even with all our so-called expertise, we didn't do it as well as we could have, but we learned to listen and are doing it better.

Mr. Jagmeet Singh: That's excellent. I should also give Mount Sinai a shout-out for their great work as well. I don't want any favouritism there that I didn't acknowledge them as well. But thank you for that and thank you for sharing today.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. Thank you to all of you who came in today and presented.

Committee members, pursuant to the order of the House, the deadline to file amendments to Bill 12, Bill 33, Bill 117 and Bill 141 with the committee Clerk is at 12 noon tomorrow, December 1, 2015.

The committee's adjourned until 4 p.m. tomorrow, December 1, 2015.

The committee adjourned at 1756.

STANDING COMMITTEE ON SOCIAL POLICY

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Vice-Chair / Vice-Président

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Ms. Indira Naidoo-Harris (Halton L)

Mr. Arthur Potts (Beaches–East York L)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

Also taking part / Autres participants et participantes

Mr. Steve Clark (Leeds–Grenville PC)

Miss Monique Taylor (Hamilton Mountain ND)

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Ms. Carrie Hull, research officer,
Research Services

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Mardi 1^{er} décembre 2015



Standing Committee on Social Policy

Protecting Employees'
Tips Act, 2015

Safeguarding our Communities Act (Fentanyl
Patch for Patch Return Policy), 2015

Provincial Advocate
for Children and Youth
Amendment Act, 2015

Pregnancy and Infant Loss
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Comité permanent de la politique sociale

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du pourboire des employés

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(politique d'échange de timbres de fentanyl)

Loi de 2015 modifiant la Loi
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Loi de 2015 sur la sensibilisation
au deuil périnatal, la recherche
sur ce genre de deuil et l'aide
aux personnes vivant un tel deuil

Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

Président : Peter Tabuns
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 1 December 2015

Mardi 1^{er} décembre 2015*The committee met at 1600 in room 151.*

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here for clause-by-clause consideration of Bill 12, Bill 33, Bill 117 and Bill 141.

I propose that consecutive sections with no amendments be grouped together unless any members would like to vote on a section separately. You are agreeable to those rules? Excellent.

PROTECTING EMPLOYEES'

TIPS ACT, 2015

LOI DE 2015 SUR LA PROTECTION
DU POURBOIRE DES EMPLOYÉS

Consideration of the following bill:

Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities / Projet de loi 12, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les pourboires et autres gratifications.

The Chair (Mr. Peter Tabuns): First, we'll look at Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities. Are there any general comments or comments before we proceed? Yes, Mr. Singh.

Mr. Jagmeet Singh: Yes. This is a question—I guess I could have waited till the motion. I just want to clarify with respect—well, maybe I can just wait till the motion is brought forward and ask the legislative counsel some questions around this motion.

The Chair (Mr. Peter Tabuns): If it's an amendment, yes, why don't you wait until the amendment is brought forward.

Mr. Potts, did you want to speak?

Mr. Arthur Potts: I do. I would like to make a motion. I have nothing in general to say at this moment, except that I'm delighted this is moving forward.

The Chair (Mr. Peter Tabuns): Excellent. Good.

Mr. Singh.

Mr. Jagmeet Singh: Actually, there is one comment I'd like to put on the record, to do justice to the previous member from Beaches-East York, Mr. Prue. I think this is an important moment for what Mr. Prue intended to bring forward, his goal of providing more fairness for servers. He was a pioneer in that field and I want to acknowledge his great work. He brought the bill forward

a number of times and at some points it did move forward but was not ever brought to fruition to this point. So I want to acknowledge, also, Mr. Potts for carrying on the torch of Mr. Prue to bring us to this point.

It's an important bill that does indeed protect servers who deserve that protection. I want to acknowledge the work that's been done before.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Singh.

We can now proceed to section 1. We have government motion 1. Mr. Potts?

Mr. Arthur Potts: I would like to move that subsection 14.1(2) of the act, as set out in section 1 of the bill, be struck out and the following substituted:

"Same

"(2) 'Tip or other gratuity' does not include,

"(a) such payments as may be prescribed; and

"(b) such charges as may be prescribed relating to the method of payment used, or a prescribed portion of those charges."

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts.

Mr. Singh, you wanted to speak to this amendment?

Mr. Jagmeet Singh: I do, indeed. I want to ask legislative counsel: What is the effect of this bill, in your opinion? Does it narrow the protection or does it provide a potential loophole through the employer?

Mr. Eric Chamney: If you're asking for the legal effect of it, we're adding an extra clause to say that "tip or other gratuity" does not include, in addition to the current such other payments as may be prescribed, "such charges as may be prescribed relating to the method of payment used, or a prescribed portion of those charges." The effect is to provide an additional regulatory method of prescribing methods of payment that would not be included in the definition of a tip or gratuity.

Mr. Jagmeet Singh: My concern is: Does this in any way create a grey area? In a scenario where money is left on the table that's intended to be a tip but may be deemed to be such payment as may be prescribed, it could be deemed to be a payment of some other source. Maybe it's deemed to be a cleanup fee or deemed to be something other than a tip. Would it open up the potential interpretation of money that's not clearly defined or not clearly indicated? It's just left on the table and the individual walks away. Would it open up the potential interpretation of that money to be something other than a tip?

Mr. Eric Chamney: To be a tip or gratuity, it has to fall within the definition that has previously been provided. This subsection provides things that fall within that definition but that are subsequently not included. You're adding another way that they can be included. Whether or not it captures what it's meant to capture is a policy question for you to discuss amongst yourselves, but it simply adds another limitation on the definition of a tip or other gratuity.

Mr. Jagmeet Singh: Okay, my final question, then: A lot of this will depend on how it's prescribed, so the way it's defined in regulation. It leaves the interpretation or the assessment of whether or not a payment is a tip to regulation. Am I correct?

Mr. Eric Chamney: Yes, it will be done by regulation.

Mr. Jagmeet Singh: I'm concerned that this doesn't enhance protection and, in fact, it might create more confusion than benefit. So now my question is directed to the government, if they choose to answer. How would this improve protection in any way and why is it necessary to include this? I would suggest leaving the bill as it was before this amendment would have provided, perhaps, more protection. I don't see how this increases protection. Perhaps the government could provide an explanation.

The Chair (Mr. Peter Tabuns): I'll allow Mr. Potts to answer, if he wishes to answer.

Mr. Arthur Potts: Yes, I'd be delighted to, actually. I thought if I put the motion—I normally would go first to explain the rationale so it would alleviate the concerns they might have opposite. So let me alleviate your concerns.

The intention here is, in a sense, to restrict, but it's to restrict because the number one concern I received from owners of restaurants and the association—and in my discussions with a lot of servers, they agreed that this would not be an unreasonable restriction—is that the owner of an establishment could recover the costs associated with the processing, so credit card fees: the 2.5% or 2.25% to 3% that gets tacked onto a bill. If they've received the money on a credit card, the owner could recover that piece.

For an individual tip, it's not a lot of money, but when you look at it and aggregate it in a large operation over the course of a year, it's a significant amount of money. We figured that was a reasonable exception to include, that they can recover the costs associated with processing the transaction.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Miss Taylor, I'll put you on the list. I have Ms. Martow ahead of you. Ms. Martow.

Mrs. Gila Martow: I have a couple of quick concerns. One is that the percentage that is paid on Visa, MasterCard and American Express—there are other charges in addition to that: renting the actual machine and things like that. I'm concerned that restaurants will say, "Well, the Internet that we had to put into the restaurant was all because of having credit cards. Otherwise,

we wouldn't have Internet in our restaurant," and they're going to want to recoup all those fees back from their servers. So I'm a little concerned about that.

I'm also concerned that if a bill comes, and say it's \$250 and somebody leaves a \$50 tip—nobody ever says that clearly, "The tip is the cash, and we want the server to have the cash," so they don't have to pay the 2% or 3% or whatever it may be—the restaurant will say, "Well, we're putting the \$50 towards the price of the food and now the tip is on the credit card. Therefore, you have to pay the credit card fees." It benefits the restaurant, because the restaurants do want cash and not to have to pay these credit card fees. It's for their benefit to get as many payments in cash as possible.

I'm sort of a little bit concerned that this will allow restaurants to take tips that were given in cash in good faith, so that the server shouldn't have to pay that percentage, and put that cash towards the actual purchase, and then all of a sudden, the servers are being told, "No, no, no, that \$50 was towards the food and your tip was on the credit card." I don't see any protection for the servers.

I'm a little bit leery that people aren't going to get their money. Are we saying that they have to be paid promptly each week or each month or whatever it may be? I'm worried the restaurants might say, "Oh, it takes us time to do this administrative work. We have to get the bookkeepers in to figure it out."

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. I have Miss Taylor and then I will go back to Mr. Potts. Miss Taylor.

Miss Monique Taylor: I have deep concerns about this clause now that I've heard the explanation for it. When a tip is left, it is left for the server, not to pay the cost of doing business for a restaurateur or whoever that may be. I think it goes against the whole framework of the bill. The bill was put in place so that nobody could touch a server's tips, and yet this would allow them to bite into a small piece of that—so be it—but still into the tip that was left directly for the waitress, and not for the management.

I just think that this goes against the whole premise of the bill.

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The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: Thank you, Chair.

To Ms. Martow's suggestions first: The cost of the food is the cost on the menu is the cost on the bill. The definition of tips within the act makes it very clear that anything over and above the cost which is left as a voluntary—or directed—amount is considered a tip. Therefore, I'm not concerned about the issue that you raised, because cash tips actually won't be affected by this section because this is only going to charges. Cash tips may become more of the norm if you wanted to compensate a server because they would not have to have a portion of that come off.

To Ms. Taylor's comment: The issue becomes—using a credit card, for instance—an easier way of collecting

the money. The restaurant associations and the servers I spoke with were all in agreement. This was the price of getting an agreement: If you allow a reasonable amount, so the employer doesn't have to suffer paying off the charges and so that the server gets 100%, and now it costs them additionally—this was a reasonable compromise. The server benefits from the fact that the money is there; it's in front. Rather than receiving a personal cheque or something, which might bounce, they get it, it's in a credit card and that's the service fee associated with their tip.

We agreed that that would be a reasonable compromise, and we'll certainly be supporting the motion.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts.

Ms. Martow, and then Mr. Singh.

Mrs. Gila Martow: I'm supportive. I'm just saying that I'm a little concerned that I would have liked to have seen that if a bill is paid part in cash and part on credit card, which does happen fairly often, I imagine, the cash—that was all I was saying—is put towards the tip. That was my only previous comment; I'm sorry if I wasn't clear enough. I would just like to see that somehow clear, that the restaurant can't come back and say, "No, the cash was going towards the food, and now you have to pay towards credit card fees."

Just to speak towards the third party and Ms. Taylor's comments: I don't think that by charging servers, if they collect their tip on a credit card, they're paying for the cost of running the business. That additional amount of money put on the credit card costs the restaurant the same 2% as any other charges. I think that we have to look at servers, in a way, as small business people: They're running their own business, and in a way, they should be thankful that their tips are going on the restaurant's credit card machine. Otherwise, they would have to maintain their own account—now you can swipe on an iPhone—it's running through the business, and in fact, the business is doing a fair amount of administrative work for them, with a lot of expenses that are accrued. It's not just that percentage, as I said before; it's also the cost of having the machine, the account, the Internet, the hardware and all that. I think this is fair.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Singh.

Mr. Jagmeet Singh: I want to understand it and then raise my concern. What's being proposed is that if a tip is left—a \$100 meal, and you put a 20% tip on there, so \$120. On the \$20 portion, the tip that's meant to go to the server, whatever the service fee for the entire bill—a portion of that would apply to the \$20. If the credit card charges a 5% service fee, that 5% would be shared over the entire \$120, and so the server would lose that portion out of that \$20 tip. Is that what this amendment does?

The Chair (Mr. Peter Tabuns): Mr. Potts, would you like to respond?

Mr. Arthur Potts: Sure; I'd be happy to.

To Ms. Martow's point, I appreciate that. I get the distinction, and you'll see in the definition of what a tip

includes is that it's what any reasonable person would assume. If I paid the bill on a credit card, which is exactly the amount of the bill, and I left money, a reasonable person would assume that that is a tip and that would be treated as the tip.

To your point: Take, in your scenario, \$100 and leave a 20% tip. If the tipping processing fee was 5%, that would be \$1. So \$1 on the \$20 would come off and they would keep \$19, if it was 5%.

You'll know that most credit card charges, particularly if you're a member of a restaurant association, are more in the order of 2.25%. That's how it would be interpreted and that's what the regulation—but I'd love to have your input on regulations when we get to that point to ensure that it's only the portion of a credit card charge associated with a tip that's coming off of it. We'd be very insistent that that was the intention.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Mr. Singh?

Mr. Jagmeet Singh: I think in the interests of fairness, the restaurant has to run—that's a small amount if you think about an individual server, but it will add up over time and, in the fairness equation, the restaurant has a certain cost of doing business; they're going to have those fees anyway. To apply that fee to the server amount just seems to be unfair and it seems to go against the spirit of the bill, which was to ensure that the servers were able to keep the entire portion of their tip and not have to pay for the use of the credit card machine.

Though that is a cost of business and restaurants have to field that, a server is providing an excellent service that's also invaluable to the restaurant—they need someone to do that—and in order to make sure there's fairness—I think this goes against the spirit of the bill; this goes against the spirit of making sure that the server gets the entire tip amount. Putting fees on top of what the server gets out is unfair and, in the balancing equation, I think the employer is in a superior position.

I think we have an interest here to protect the servers. That's why this whole issue came up: There were issues around servers getting the full amount. This doesn't do justice to that issue. For that reason, we won't be supporting this and we want to make sure our concerns are on the record.

I also want to indicate, Mr. Chair, that we will request a recorded vote.

The Chair (Mr. Peter Tabuns): I take that as a request, Mr. Singh.

No further discussion? Are the members ready to vote? All those in favour of government motion 1?

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts.

Nays

Singh.

The Chair (Mr. Peter Tabuns): The motion is carried.

Shall section 1, as amended, carry? Opposed? It's carried.

For sections 2 and 3, I have no amendments. With the committee's permission, I will have a vote on them at the same time. Shall section 2 and section 3 carry? Opposed? It's carried.

Shall the title of the bill carry? Opposed? Carried.

Shall Bill 12, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Okay. Congratulations.

Mr. Arthur Potts: Thank you.

The Chair (Mr. Peter Tabuns): One down.

SAFEGUARDING OUR COMMUNITIES
ACT (FENTANYL PATCH FOR PATCH
RETURN POLICY), 2015

LOI DE 2015 POUR PROTÉGER
NOS COLLECTIVITÉS
(POLITIQUE D'ÉCHANGE
DE TIMBRES DE FENTANYL)

Consideration of the following bill:

Bill 33, An Act to reduce the abuse of fentanyl patches / Projet de loi 33, Loi visant à réduire l'abus de timbres de fentanyl.

The Chair (Mr. Peter Tabuns): Now we move to our second bill, Bill 33, An Act to reduce the abuse of fentanyl patches. Are there any general comments or questions before we proceed? You're ready? Okay.

Before we start, are there any comments, questions or amendments to any section of the bill and, if so, to which section? Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: Yes, Chair. I'd like to refer to motion 1. I have an amendment.

The Chair (Mr. Peter Tabuns): Sorry. I'm going to come to the motions very shortly.

Ms. Indira Naidoo-Harris: Sorry. Apologies.

The Chair (Mr. Peter Tabuns): Okay. So I'll start in, then.

Section 1, government motion 1: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Yes, Chair.

I move that section 1 of the bill be amended by adding the following definition:

"‘controlled substance patch’ means,

"(a) a fentanyl patch, or

"(b) any other patch that contains a drug and that meets the criteria provided for in the regulations;"

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. As some of you are well aware, I will find this amendment beyond the scope of the bill as set out by the parameters of the bill, and I therefore rule the amendment out of order.

But I also understand that there is a consensus about unanimous consent to bring this forward. Can I ask if that's the case?

Interjections.

Mr. Victor Fedeli: It's unanimous.

The Chair (Mr. Peter Tabuns): Okay. There is unanimous consent to bring it forward. Is there any debate on this amendment?

There being no—Mr. Fedeli?

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Mr. Victor Fedeli: The only comment I would make, then—and I won't comment on all the motions all the way through—is that this will indeed expand the scope of the fentanyl patch bill to incorporate future controlled substance patches. So rather than coming back to this Legislature in the future when the next fentanyl replacement is found, this will usurp that.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Fedeli. Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Again, we are doing this because it's important that the dispensing rules can be applied to other dangerous drug patches in the future, and we want to ensure that we have in place something that will protect individuals when the time comes.

The Chair (Mr. Peter Tabuns): Okay. No further discussion? The committee is ready for the vote.

Do you support this amendment? All those in support? All those opposed? Carried.

We go to government motion 2: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that the definition of "dispenser" in section 1 of the bill be struck out and the following substituted:

"‘dispenser’ means,

"... a person who is authorized to dispense a drug in a pharmacy under the Drug and Pharmacies Regulation Act, or

"... a person provided for in the regulations;"

The Chair (Mr. Peter Tabuns): Now, you did mean in both cases to have (a) and (b) before those phrases?

Ms. Indira Naidoo-Harris: Yes, I did.

The Chair (Mr. Peter Tabuns): Thank you. Any debate on this matter? There being none, the committee is ready to vote?

All those in favour? Those opposed? The motion is carried.

We go to government motion 3: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that the definitions of "prescriber" and "prescription" in section 1 of the bill be struck out and the following substituted:

"‘prescriber’ and ‘prescription’ have the same meaning as in the Drug and Pharmacies Regulation Act;"

The Chair (Mr. Peter Tabuns): Is there any debate? The committee is ready for a vote?

All those in favour? Opposed? It is carried.

We go to government motion 4: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 1 of the bill be amended by adding the following subsection:

"Application to other controlled substance patches

"(2) Subject to the regulations, the provisions of this act specifically referring to fentanyl patches apply to all controlled substance patches."

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. I find that the amendment is beyond the scope of the bill as set out by the parameters of the bill. I therefore rule the amendment out of order, but I understand there is some interest in going forward on a unanimous consent.

Ms. Indira Naidoo-Harris: Yes, Chair. We would prefer to go forward on this bill. We feel that the bill would be amended to add a new section, and this new provision would allow the patch-for-patch rules in the bill to apply to other dangerous drug patches in the future, subject to regulations.

The Chair (Mr. Peter Tabuns): And you ask for unanimous consent.

Ms. Indira Naidoo-Harris: And I'm asking for unanimous consent.

The Chair (Mr. Peter Tabuns): Do I have unanimous consent? Excellent. We can go forward.

Any further debate on this motion? There being none, all those in favour? All those opposed? It is carried.

We go to vote on the section as a whole. Shall section 1, as amended, carry? All those in favour? Opposed? Carried. Excellent.

We go to section 2 and government motion 5: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that subsection 2(1) of the bill be amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following clause:

"(c) comply with any other requirements provided for in the regulations."

The Chair (Mr. Peter Tabuns): Is there any debate or discussion on this motion? There being none, the committee is ready to vote? All those in favour? All those opposed? It is carried.

Now the section as a whole: Shall section 2, as amended, carry? All those in favour? Opposed? It is carried.

The Clerk of the Committee (Ms. Valerie Quioc Lim): As amended.

The Chair (Mr. Peter Tabuns): As amended. Thank you.

We go to section 3, then. We have government motion 6: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that paragraphs 1 and 2 of subsection 3(1) of the bill be struck out and the following substituted:

"1. The name and location of the pharmacy must have been recorded on the prescription by the prescriber, subject to any exceptions provided for in the regulations.

"2. The pharmacy must have been notified by the prescriber about the prescription before any fentanyl patches are dispensed, subject to any exceptions provided for in the regulations."

The Chair (Mr. Peter Tabuns): Is there any debate?

There being none, the committee is ready to vote. All those in favour? Opposed? It is carried.

We go to motion 7: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that subparagraph 5 i of subsection 3(1) of the bill be struck out and the following substituted:

"i. The dispenser does not collect any used fentanyl patches or collects fewer used fentanyl patches than the quantity of fentanyl patches to be dispensed under the prescription."

The Chair (Mr. Peter Tabuns): Any debate?

There being none, the committee is ready for the vote. All those in favour? Those opposed? It is carried.

Shall section 3, as amended, carry? There being none opposed, it is carried.

Section 4: We have no amendments.

Mr. Arthur Potts: I'd like to comment on section 4.

The Chair (Mr. Peter Tabuns): Yes, absolutely.

Mr. Arthur Potts: We would like to vote against this section. We believe it is unnecessary. I'll turn it over to my colleague to explain why in more detail.

Ms. Indira Naidoo-Harris: The government recommends voting against section 4.

Reason for notice rather than motion: If the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

We feel that it would be a good idea to vote against section 4.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. Mr. Potts, you have commentary?

Mr. Arthur Potts: We want to vote against section 4, which would deem non-compliance with the bill an act of professional misconduct under the Regulated Health Professions Act. Section 4 is not necessary, and should therefore be voted down.

There are existing health-profession-specific regulations that already specify that non-compliance with a statute like this one would be an act of professional misconduct; therefore, it is unnecessary to meet the intent of the bill as we wanted.

The Chair (Mr. Peter Tabuns): Any further commentary?

There being none, the committee is ready to vote. All those in favour of section 4? Mr. Fedeli. All those opposed?

Mr. Victor Fedeli: Oh, no. I'm sorry. Were we voting in favour of striking it?

Interjections.

Ms. Indira Naidoo-Harris: Could you clarify?

The Chair (Mr. Peter Tabuns): Okay. All those in favour of striking—

The Clerk of the Committee (Ms. Valerie Quioc Lim): No, no.

The Chair (Mr. Peter Tabuns): It's going the other way?

All those in favour of section 4, which is how Mr. Fedeli voted? He voted in favour of section 4.

Mr. Victor Fedeli: No, I'm voting in favour of striking it.

The Chair (Mr. Peter Tabuns): Oh, you're voting in favour of striking it.

What I have is: Shall section 4 carry? You can vote against section 4.

Shall section 4 carry? I don't see any votes in favour. Those opposed? It is lost.

Mr. Victor Fedeli: That was a confusing way to do that.

The Chair (Mr. Peter Tabuns): My apologies, colleagues.

We go to section 5, and we have government motion number 8: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following clause:

"(a.1) establishing different classes of prescribers and dispensers and establishing different rules for the prescribing and dispensing of fentanyl patches by those classes and requiring compliance with those rules;"

The Chair (Mr. Peter Tabuns): Any discussion or debate?

There being none, all those in favour? All those opposed? It is carried.

We go to government motion number 9: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following clause:

"(d.1) providing for and governing anything that this act refers to as being provided for in the regulations;"

The Chair (Mr. Peter Tabuns): Any further debate?

All those in favour? All those opposed? It is carried.

We go to government motion number 10: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following subsection:

"Controlled substance patches

"(2) The Lieutenant Governor in Council may make regulations clarifying or modifying the application of this act with respect to controlled substance patches that are not fentanyl patches and, without restricting the generality of the foregoing, may make regulations establishing different classes of prescribers and dispensers of such patches and establishing different rules for the prescribing and dispensing of such patches by those classes, and requiring compliance with those rules."

1630

The Chair (Mr. Peter Tabuns): Members of the committee, I find that the amendment is beyond the scope of the bill as set out by the parameters of the bill, and I therefore rule the amendment out of order. I understand that you may want to ask for unanimous consent for it to go forward. Is that correct?

Ms. Indira Naidoo-Harris: Yes, Chair, I do ask for unanimous consent.

The Chair (Mr. Peter Tabuns): Do I have unanimous consent? I do? All right.

Any debate on this amendment? Mr. Fedeli.

Mr. Victor Fedeli: This would be the final piece required to allow other, future patch supplements to be covered by the same patch-for-patch guideline.

The Chair (Mr. Peter Tabuns): Any further debate on this? There being none, all those in favour? All those opposed? It is carried.

Shall section 5, as amended, carry? Carried.

We go to section 6, and we have government motion number 11: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 6 of the bill be struck out and the following substituted:

"Commencement

"6. This act comes into force on a day to be named by proclamation of the Lieutenant Governor."

The Chair (Mr. Peter Tabuns): Any debate? There being none, the committee is ready to vote. All those in favour? All those opposed? It is carried.

Shall section 6, as amended, carry? All those in favour? None opposed? It's carried.

We go on to government motion 12: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I move that section 7 of the bill be struck out and the following substituted:

"Short title

"7. The short title of this act is the Safeguarding our Communities Act (Patch for Patch Return Policy), 2015."

The Chair (Mr. Peter Tabuns): Any discussion? There being none, the committee is ready to vote. All those in favour? Opposed? The motion is carried.

Shall section 7, as amended, carry? Opposed? There being none, it is carried.

We go on to the title. The government has amendment 13: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I move that the long title of the bill be amended by adding "and other controlled substance patches" at the end.

The Chair (Mr. Peter Tabuns): Any debate? There being none, all those in favour of the motion? All those opposed? It is carried. The title has been amended.

Shall the title of the bill, as amended, carry? Opposed? There being none, it is carried.

Shall Bill 33, as amended, carry?

Interjection: Recorded vote.

The Chair (Mr. Peter Tabuns): Recorded vote.

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh.

The Chair (Mr. Peter Tabuns): All those opposed? None. It is carried, as amended.

Shall I report the bill, as amended, to the House? Carried. Excellent.

Congratulations, Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. I do want to say thank you to the committee, but I also want to say thank you very much to the Ministry of Health, who worked so diligently and so quickly. I want to thank the minister as well for allowing this to come through.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: If I may, Chair, I also wanted to congratulate Mr. Fedeli on this bill. As a long-

time health care professional, I believe this is a very important bill going forward, and I very much appreciate everybody's work on it to get it right. I think it's a good addition.

The Chair (Mr. Peter Tabuns): Thank you.

Mr. Arthur Potts: Chair?

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: A very unusual request: I'm seeking unanimous consent that we go back to Bill 12 and we do a recorded vote on "Shall the bill pass," if that's permitted. I wanted to vote in favour and I didn't catch the point which we went—I wanted to have a recorded vote on passing the bill.

Mr. Victor Fedeli: I thought we did.

Mr. Arthur Potts: We passed it, but by voice.

Mr. Victor Fedeli: I thought we had a recorded vote—

Mr. Arthur Potts: On yours, but not on mine.

Interjections.

The Chair (Mr. Peter Tabuns): Excuse me, I'm just getting an opinion. I'll be back with you in a second.

Interjections.

The Chair (Mr. Peter Tabuns): Yes, according to our records, there was not a recorded vote.

Mr. Victor Fedeli: What was the recorded vote on?

The Chair (Mr. Peter Tabuns): The motion.

So, we would have to reopen. Is there unanimous consent to reopen?

Interjection.

The Chair (Mr. Peter Tabuns): One second—I've got Mr. Singh and Ms. Taylor.

I need to know if the committee as a whole is agreeable to unanimous consent to reopen the final motion on Bill 12 so that we can have a recorded vote. Unanimous consent? Unanimous consent.

Shall Bill 12, as amended, carry? Recorded vote.

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh.

The Chair (Mr. Peter Tabuns): Carried, as amended. We go on to the next bill.

Interjection.

The Chair (Mr. Peter Tabuns): You're very welcome, Mr. Potts.

PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH AMENDMENT ACT, 2015

LOI DE 2015 MODIFIANT LA LOI SUR L'INTERVENANT PROVINCIAL EN FAVEUR DES ENFANTS ET DES JEUNES

Consideration of the following bill:

Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of

critical injury or death / Projet de loi 117, Loi modifiant la Loi de 2007 sur l'intervenant provincial en faveur des enfants et des jeunes en ce qui concerne les avis de décès ou de blessures graves.

The Chair (Mr. Peter Tabuns): Our third bill is Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of critical injury or death.

Are there any comments, questions or amendments to any section of the bill, and if so, to which section, before we—

Interjection.

The Chair (Mr. Peter Tabuns): Miss Taylor?

Miss Monique Taylor: Chair, can I just begin with my motions?

The Chair (Mr. Peter Tabuns): No. Beyond what we had before us, are there any other comments, questions or motions you want to make?

Miss Monique Taylor: I'm just pleased that we're here today, and that we are making some inroads for our oversight issues within the Children and Youth Act of Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. We'll proceed, then, to section 1 and NDP motion 1: Miss Taylor.

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be struck out and the following substituted:

"Death or serious bodily harm

"18.1 An agency or service provider, as the case may be, shall inform the advocate in writing and without unreasonable delay if it becomes aware that a child has died or suffered serious bodily harm while seeking or receiving approved services under the Child and Family Services Act at any time within the 12 months preceding the death or the incident causing serious bodily harm."

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. Is there any discussion or debate?

Miss Monique Taylor: May I speak?

The Chair (Mr. Peter Tabuns): Yes, Miss Taylor, you may.

Miss Monique Taylor: Thank you so much, Chair. I'm hopeful that this section and this motion will pass. I think it's an extremely important amendment that was brought forward by experts in this field. We've heard from the child advocate, we've heard from the Ontario Association of Children's Aid Societies and we've heard from UNICEF stating the importance. Quite frankly, it was their idea bringing this forward in the hope that we could expand the purview to match the existing mandate of the child advocate. I think it's important, so I hope that all members of this committee will support it.

The Chair (Mr. Peter Tabuns): Is there any further debate on this motion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I really feel that this amendment increases the scope of the bill dramatically by broadening the new reporting requirements to include the death or serious injury of children who may receive any services under the Child and Family Services

Act. It's because of this that I really recommend voting against this motion, because children who have sought and received the services of a Children's Aid Society are actually uniquely positioned from children who have received any other service under the Child and Family Services Act.

The essential difference between these two groups of children receiving services is that children who have sought or received services from a CAS are more likely to lack a parent or guardian able to act in their best interests as their advocate, so we believe that the provincial advocate must therefore be available. I would recommend voting against this motion.

1640

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. I have Miss Taylor, Ms. McGarry and then Mr. Singh. Miss Taylor?

Miss Monique Taylor: Exactly, Ms. Naidoo-Harris. It does put a broader scope on the bill, which actually makes sense for the protection of children in our province and currently already under the act of the provincial advocate.

Like I said, it has been brought forward by the experts; it's suggested by the experts. Children who are in corrections and who are in mental health facilities or have special needs need the voice of the Provincial Advocate for Children and Youth to be able to stand up for them. That is the reason why we have the provincial advocate. I think that stifling him in some parts of his mandate is unjust to the children of this province.

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. I have Ms. McGarry.

Mrs. Kathryn McGarry: I wanted to just comment that I commend the member for bringing the bill forward. I think that those of us who have worked with children—I spent 10 years of my nursing career at the Hospital for Sick Children, so safety for children has often been at the forefront of what I've done professionally, and I certainly appreciate it.

The concern I would have—again, just echoing my colleagues' position—is that the amendment dramatically alters the scope of the original bill. I always think that we should look at each amendment through a lens of how this amendment will help children attain better outcomes. We're always happy to support anything that would have better outcomes for any kids, but I'm not convinced that there's any evidence that this policy change would help the children to achieve better outcomes.

I guess there's a concern of mine that the additional reporting requirements will direct resources that are currently being focused on front-line services to the administrative functions of reporting. I don't think that that necessarily improves the outcomes for the children. I feel that it's probably more appropriate to support the government amendment that restores the original scope of the bill, with the reporting only required for children who have had contact with a children's aid society.

But I think, too, that the scope also fits neatly into PACY's mandate. The MPP accountability and

transparency act gave PACY investigative oversight over the child welfare sector. The reporting mechanism laid out in Bill 117 appropriately supports PACY's new responsibility which he gained under Bill 8 when we passed that earlier.

The Chair (Mr. Peter Tabuns): Mr. Singh?

Mr. Jagmeet Singh: I just want to ask for a recorded vote whenever we get to that point.

The Chair (Mr. Peter Tabuns): Recorded vote? Fine. Ms. Jones?

Ms. Sylvia Jones: I appreciate that there was only time and opportunity for four presenters, but two of the four presenters actually asked for this expansion in scope on the bill. I just want to remind members who weren't here during the presenters yesterday that in fact both the children's aid society and the Provincial Advocate for Children and Youth did request this expansion of the bill and amendment.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: I understand the concerns about broadening the scope of this bill. I just want to remind the members in the room that there is an amendment that we're proposing that I feel would take care of the concerns that the member opposite may have, and it will really maintain the original scope of the bill and the intention of the bill.

As my colleague here mentioned, I'm really not sure what this kind of complete broadening will do in terms of improving the outcome for vulnerable youths, and I feel that the amendment that we're proposing will take care of that.

The Chair (Mr. Peter Tabuns): Miss Taylor?

Miss Monique Taylor: One last kick at the can: This is something that the advocate, the OACAS and UNICEF have all asked for. They're the experts in the field. We are here to make sure that they have the tools to do the best job possible by the children of our province—the most vulnerable children of our province. Including this bill in the child advocate's entire mandate really makes sense. I'll just leave it at that.

The Chair (Mr. Peter Tabuns): Is there any further debate? There being none—I understood, Mr. Singh, that you'd asked for a recorded vote, but you're not—

Miss Monique Taylor: I would like to ask for that recorded vote, please.

The Chair (Mr. Peter Tabuns): You're asking for that? The committee's ready to vote?

Ayes

Jones, Martow, Taylor.

Nays

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 2. Who will be presenting that? Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: Yes, Chair.

I move that section 18.1 of the act, as set out in section 1 of the bill, be struck out and the following substituted:

“Death or serious bodily harm

“18.1 An agency or service provider, as the case may be, shall inform the advocate in writing and without unreasonable delay if it becomes aware that a child has died or suffered serious bodily harm, and the child or youth, or the child or youth’s family, has sought or received a children’s aid society service in the 12 months preceding the death or the incident causing serious bodily harm.”

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris, I may have misheard you: “society service within 12 months”? I thought I heard you say “in”—

Ms. Indira Naidoo-Harris: “Children’s aid society service in the 12 months preceding the death or the incident causing serious bodily harm.”

The Chair (Mr. Peter Tabuns): So “within”?

Ms. Indira Naidoo-Harris: Yes, “within.”

The Chair (Mr. Peter Tabuns): Thank you. Okay. Any debate on this? Ms. Jones.

Mr. Arthur Potts: No, it doesn’t say that. Do we have a different iteration of this?

Ms. Sylvia Jones: Mine says “within.”

The Chair (Mr. Peter Tabuns): Before we go to the speaker, I’ve got government motion 2 and the words “within 12 months of the death or incurring of harm.”

Interjections.

Mr. Arthur Potts: Does it?

Interjection: It does.

Mr. Arthur Potts: My apologies.

The Chair (Mr. Peter Tabuns): It is “within”?

Ms. Indira Naidoo-Harris: Within.

Mr. Arthur Potts: No, it doesn’t.

The Chair (Mr. Peter Tabuns): Okay. So, Ms. Jones, I noticed you first. You may speak and then I will go to Ms. Naidoo-Harris.

Ms. Sylvia Jones: Yes. In the interests of writing clear legislation, I do have concerns—and I’m prepared to support the amendment—with the phrase “without unreasonable delay.” I think that opens up some ambiguity that will cause confusion with the child protection agencies who are under the obligation.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris, then Ms. Martow.

Ms. Indira Naidoo-Harris: Chair, I just feel that this amendment maintains the original scope of the bill by specifying that this new reporting mechanism only applies to children and youth who have had some contact with the child welfare system in the previous 12 months.

MPP Jones, the portion that you feel may bring in some question I feel actually ensures that there will not be unreasonable delay and allows some protection for youth who are in this situation.

The Chair (Mr. Peter Tabuns): Thank you. Ms. Martow.

Mrs. Gila Martow: I just want to make two quick comments. One is that in the medical field things are

done not just promptly; they’re done immediately if somebody presents in an ambulance to an emergency room and a specialist is paged. They’re not paged to come promptly. They’re paged to come immediately. I think that this is something of utmost importance. These are professionals, and there’s no reason in today’s world, with software, that there can’t be communication—prompt; immediate; whatever you want to call it—through electronic means, that all these agencies in a very serious situation are able to communicate.

The Chair (Mr. Peter Tabuns): Thank you. I have Ms. McGarry, Miss Taylor and Mr. Potts. Ms. McGarry.

Mrs. Kathryn McGarry: I know that everybody around the table here is trying to ensure that we have our children protected. I feel that this motion maintains the original scope of the bill, but it also aligns neatly with the PACY’s new responsibilities under Bill 8, the MPP and public sector accountability act, and that gives the advocate investigative oversight of the child welfare system.

I think, too, that the additional reporting mechanisms outlined in this amendment will support the provincial advocate in his investigative oversight role over child welfare. So I think the articulation of the bill supports better outcomes for children and youth, which goes back to my original point: that we’re looking for better outcomes for children and youth.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. I have Miss Taylor.

Miss Monique Taylor: My concerns with this motion as written—“unreasonable delay” again is something that is, I believe, very grey-area’d. “Promptly” or “immediately” would ensure that the information was given to the child advocate at the same time that it was given to the coroner and to the ministry. So that’s a concern for me.

1650

Once again, I’ll reiterate the portion that was in the previous motion that I put forward: that it would be in the scope of the Child and Family Services Act, which is the exact same portion that is mandated under the provincial advocate’s mandate. So I find it unfortunate that this motion is in front of us.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Potts?

Mr. Arthur Potts: I was going to just indicate that I’d like to have a recorded vote on this section, but I also want to point out that the NDP motion that preceded ours also uses the words “unreasonable delay.” So to be picking up on “unreasonable delay” when your own motion came forward with it seems a little superficial. But, thanks. I hope we get a recorded vote on this.

The Chair (Mr. Peter Tabuns): You’ve asked for a recorded vote; we will have a recorded vote.

Mr. Arthur Potts: Thank you, sir.

The Chair (Mr. Peter Tabuns): Any further debate? Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to make one last comment because the word “debate” reminded me that when this bill was debated in second reading, we were really returning to the original scope. I really

wanted to follow up in my comments that the government bill here maintains the original scope that was debated in second reading. That's why I'm going to be supporting this particular motion.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Ms. Jones.

Ms. Sylvia Jones: I'll just say again, in the interest of making legislation that works, if you were a legal expert, "without unreasonable delay" is pretty waffly. It does not give clear direction to anyone, most importantly the child protection agencies that are going to have the obligations, as to a clear direction and expectation.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Jones. Seeing no further debate, the committee is ready to vote. I've had a request for a recorded vote.

Ayes

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

Nays

Jones, Martow, Taylor.

The Chair (Mr. Peter Tabuns): The motion is carried. We go to NDP motion 3. Ms. Taylor?

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsection:

"Provision of information to the advocate

"(2) Information provided to the advocate under subsection (1) shall be unredacted."

The Chair (Mr. Peter Tabuns): Ms. Taylor, did you want to comment?

Miss Monique Taylor: I certainly do, Chair. It would have, I think, benefited the work that the child advocate does for our most vulnerable children in this province if the information that he received was unredacted. Receiving redacted information definitely makes it difficult to be able to do investigations that he has now been given the power to do under Bill 8.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Taylor. I have Ms. Martow, then Ms. Jones and Mr. Potts—

Mr. Arthur Potts: No, no.

The Chair (Mr. Peter Tabuns): No? Ms. Naidoo-Harris.

Mrs. Gila Martow: I just want to remind everybody that the representative from UNICEF, who coincidentally was an advocate, I believe, in Saskatchewan, said yesterday that all these provinces that he was able to list across Canada have moved to not having these types of records in these situations be redacted. He felt that not only was Ontario not leading—even if this bill passed in its entirety, not only are we not leading, but we're playing catch-up and we're not even quite catching up.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Ms. Jones.

Ms. Sylvia Jones: I won't duplicate what my colleague just raised.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I'm opposing this motion, Chair, because I feel that the proposed amendment would require that service providers provide the personal information of the children and youth who died or were injured to the office of the provincial advocate.

Really, what this does is—you know, you have to remember that in Ontario, as opposed to other Canadian jurisdictions, the children's aid societies are individual, not-for-profit organizations with independent boards of directors. This means that the Ministry of Children and Youth Services never handles individual cases. In fact, the ministry never sees the personal information of children involved in the child welfare system.

What I feel is that this amendment actually contravenes the existing privacy provisions of the Provincial Advocate for Children and Youth Act. This is really a privacy question. I think it may have unintended outcomes impacting on the privacy of other citizens, and that's why we will be opposing this amendment.

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: I echo my colleague's sentiments, but when it comes to privacy information, I know there has certainly been tightening up of the privacy legislation in Ontario over the last several years through several different pieces. But I just want to point out that subsection 45(8) of the CFSA prohibits any person from publishing or making public "information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family."

The Freedom of Information and Protection of Privacy Act also sets out certain restrictions around the collection and disclosure of personal information in the possession of the ministry. Again, with this one, it's privacy issues that I'm most concerned with, and again, there is no clear benefit to children's outcomes. Providing personal information to the PACY would not support improved outcomes for children and youth.

The Chair (Mr. Peter Tabuns): Ms. Jones.

Ms. Sylvia Jones: I wasn't going to speak to this amendment, but the comments from the Liberal members have motivated me.

Your statements are basically suggesting that the Office of the Provincial Advocate for Children and Youth, which I remind everyone is an independent officer of the Legislative Assembly, one of only eight we have in Ontario—we don't trust him and his office to keep private information private. By his very nature, by his very mandate, all of the cases and all of the issues he deals with are highly confidential and highly personal in nature, and to suggest that this one very minor amendment that is just saying, "Give him all the information he needs to properly investigate," shouldn't be allowed because we can't trust him to keep it private—I'm quite offended by the comment, actually.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: Actually, I'm continuing in the same vein as my colleague, which is to say that it sounded a bit to me like the government was saying that because it's for these non-profits and non-government agencies, somehow their privacy should be protected. If they're doing this type of work, they are professionals and they should be treated like professionals. I think that anybody interacting with other professionals—there's a level of confidentiality that is respected, or none of them should be in those positions.

In the medical field, as I mentioned before, there is sharing of information from hospitals to clinics to private doctors' offices. All the information is shared—every tiny bit of information—and it's very personal and private information, as everybody here can appreciate. Everybody trusts that the others, including all their staff, are respectful of that privacy.

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: I'm going to defer to my colleague.

The Chair (Mr. Peter Tabuns): Thank you, Mrs. McGarry.

Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I just want to clarify that what we are actually saying is that this amendment contravenes the existing privacy provisions of the Provincial Advocate for Children and Youth Act, and that's what we're trying to be clear about. We don't want to contravene those existing privacy conditions.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: I think we may be making a little bit too much of this on the other side, because the reality is that there's nothing in law to preclude the families. What we're saying is that the agencies entrusted with this information are not in a position to be able to give the information over. That's protected by privacy. If the families want to release that information, there's nothing to stop them, and the children's provider can move forward.

The Chair (Mr. Peter Tabuns): Miss Taylor.

Miss Monique Taylor: Back in our previous motion, we talked about the child advocate not being able to expand the purview because those other children more than likely had parents and were under just the CAS. Now we're talking about the parents having the right of the privacy act. Either we're doing this in the best interests of children or we're not.

1700

This is where the child advocate will get the information to be able to do the investigations. That was given to him in Bill 6, to be able to do that job. The problem, and where this has come from in the first place, is oversight and the lack of oversight within our child and youth act.

If we're going to once again strangle the person that we're planning on giving, hopefully, some of the oversight abilities to, then I'm confused.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: I just want to clarify: The motion, in my opinion, is of no real, clear benefit to children's outcomes. If we're all here because that's what we're looking out for, then let me emphasize that: This is of no clear benefit to children's outcomes. Providing their personal information is of no clear benefit.

The Chair (Mr. Peter Tabuns): Thank you. Ms. McGarry?

Mrs. Kathryn McGarry: I just wanted to reiterate that I'm not going to be supporting a motion that contravenes the existing privacy provisions of the PACY act.

Miss Monique Taylor: Can I ask for a recorded vote, please, Chair?

The Chair (Mr. Peter Tabuns): Yes. A recorded vote is asked for. I see no further debate. The committee is ready to vote. Recorded vote.

Ayes

Jones, Martow, Taylor.

Nays

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

The Chair (Mr. Peter Tabuns): The motion is lost.

The next motion is NDP motion number 4. Miss Taylor?

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsection:

"Provision of information to the advocate

"(2) Information provided to the advocate under subsection (1) shall include a summary of the circumstances surrounding the death or serious bodily harm."

The Chair (Mr. Peter Tabuns): Any comment, Miss Taylor?

Miss Monique Taylor: No, other than I'm thankful that some of these amendments have passed through. I will be supportive of this, of course, and look forward to other discussion.

The Chair (Mr. Peter Tabuns): Mr. Potts?

Mr. Arthur Potts: Yes. Actually, I think this gets to the problem that you identify in your previous motion, without identifying the details of the children involved. Therefore, we will be supporting this motion because it's going to bring the information to the advocate so they can do their work properly.

The Chair (Mr. Peter Tabuns): Any further debate? There being none, you're ready to vote? All those in favour? All those opposed? It is carried.

Government motion 5: Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: "I move that section 18.1 of the Provincial Advocate for Children and Youth Act, 2007, as set out in section 1 of the bill, be amended by adding the following subsection:

"Duty to report under the Child and Family Services Act

"(2) Nothing in this section affects the duty to report a suspicion under section 72 of the Child and Family Services Act."

The Chair (Mr. Peter Tabuns): Did you wish to comment?

Ms. Indira Naidoo-Harris: Yes. I feel that this proposed amendment clarifies that none of the reporting laid out in this bill precludes the duty to report suspected child abuse under the CFSA.

The Chair (Mr. Peter Tabuns): Any further comment? Ms. Jones.

Ms. Sylvia Jones: Yes. This was requested very specifically by the Ontario Association of Children's Aid Societies, and I think it's a good amendment clarification.

The Chair (Mr. Peter Tabuns): Any further debate? The committee is ready to vote? All those in favour? Opposed? It is carried.

NDP motion 6: Miss Taylor.

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsections:

"Provision of information to parents

"(2) An agency or service provider, as the case may be, shall inform the parents of a child that has died or suffered serious bodily harm in the circumstances described in subsection (1) about the advocate and shall provide the parents with contact information for the advocate.

"Provision of information to a child

"(3) An agency or service provider, as the case may be, shall inform a child that has suffered serious bodily harm in the circumstances described in subsection (1) about the advocate and shall provide the child with contact information for the advocate."

Mrs. Gila Martow: Sorry, "provide the parents."

Miss Monique Taylor: Did I miss something there?

Mrs. Gila Martow: You said "provide the child."

Miss Monique Taylor: Provide the child—

The Chair (Mr. Peter Tabuns): Yes, it is providing information to a child.

Miss Taylor, did you want to comment?

Miss Monique Taylor: No. I'm happy to move forward.

The Chair (Mr. Peter Tabuns): Fine. Ms. McGarry.

Mrs. Kathryn McGarry: I will be recommending that we support this motion. I think that the advocate's role is to advocate on behalf of children and youth, and this will make sure that the people who require this advocacy are able to contact PACY's office.

The Chair (Mr. Peter Tabuns): No further debate?

Mr. Arthur Potts: Could we have a recorded vote on this?

The Chair (Mr. Peter Tabuns): A recorded vote is requested by Mr. Potts.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): Opposed? There being none, it is carried.

Shall section 1, as amended, carry? It is carried, as amended.

Section 2: We have government motion number 7. Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 2 of the bill be struck out and the following substituted:

"Commencement

"2. This act comes into force six months after the day it receives royal assent."

The Chair (Mr. Peter Tabuns): Any commentary?

Ms. Indira Naidoo-Harris: We feel that this amendment is important because it would provide the ministry with time to work on issues of implementation with the service sector. This is making sure that people have the time that they need.

The Chair (Mr. Peter Tabuns): Further debate? The committee is ready to vote. All those in favour? Those opposed? It is carried.

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): Pardon?

Mr. Arthur Potts: Sorry; never mind.

The Chair (Mr. Peter Tabuns): Shall section 2, as amended, carry? Carried. Section 2, as amended, carries.

Section 3, short title: There are no amendments. Any debate? There being none, shall section 3 carry? It is carried.

We go to the title, and we have two motions. NDP motion number 8: Miss Taylor.

Miss Monique Taylor: I move that the long title of the bill be amended by striking out "critical injury" and substituting "serious bodily harm".

The Chair (Mr. Peter Tabuns): Any debate? There being none, the committee is ready to vote.

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote is called for.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): The motion is carried.

Motion 9—

Mr. Arthur Potts: We'll withdraw.

The Chair (Mr. Peter Tabuns): —has been withdrawn.

We go to vote on the title. Shall the title of the bill, as amended, carry? It is carried, as amended.

Mr. Arthur Potts: Recorded vote on this act.

The Chair (Mr. Peter Tabuns): Right. Shall Bill 117, as amended, carry? Recorded vote.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): All those opposed? It is carried, as amended.

Shall I report the bill, as amended, to the House? Yes. That's carried.

Congratulations.

Interjections.

The Chair (Mr. Peter Tabuns): Well done, committee. We now have one more bill.

PREGNANCY AND INFANT LOSS
AWARENESS, RESEARCH
AND CARE ACT, 2015

LOI DE 2015 SUR LA SENSIBILISATION
AU DEUIL PÉRINATAL, LA RECHERCHE
SUR CE GENRE DE DEUIL ET L'AIDE
AUX PERSONNES VIVANT UN TEL DEUIL

Consideration of the following bill:

Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day / Projet de loi 141, Loi exigeant des recherches et des programmes sur les pertes de grossesse et les décès néonataux et proclamant le 15 octobre Journée de sensibilisation au deuil périnatal.

The Chair (Mr. Peter Tabuns): We now move on to our fourth and final bill for today: Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day.

Are there any general comments or questions before we proceed? Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. I just wanted to take this opportunity to thank Mr. Colle for bringing this bill forward. As an opposition member and a critic, I'm often able to tell the bad sides of a bill or critique them and be negative. After the deputations yesterday and the debate and reading the bill, I'm quite glad to know Mr. Colle and I'm glad that he brought this bill forward. We look forward to ensuring that this gets through third reading.

The Chair (Mr. Peter Tabuns): Excellent.

We go to section 1. There are no amendments—Ms. McGarry?

Mrs. Kathryn McGarry: Sorry; I just had a couple of comments as well. I also wanted to note that there was a lot of support for this bill in the House. I'm very proud that this bill is coming forward. I think that, if we pass it, it will be certainly meaningful to many families in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Mr. Colle, we're about to go into the section-by-section. Did you want to speak before?

Mr. Mike Colle: I just wanted to say that, yesterday, I think the members who were here saw the incredible

impact that this bill might have on thousands of lives. I think that spoke for me, yesterday.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Colle.

We go to section 1, and I have no amendments. The committee is ready to vote? Shall section 1 carry? Opposed? It is carried.

I go to section 2, and I have government motion number 1: Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraphs 11 to 15 of subsection 6(1) of the Ministry of Health and Long-Term Care Act, as set out in section 2 of the bill, be struck out and the following substituted:

"11. To undertake research and analysis on pregnancy loss and infant death that assists those, including mothers and families, who experience such loss and that informs the establishment or expansion of programs related to such loss."

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Did you want to speak to that?

Mrs. Kathryn McGarry: I just want to reiterate my comments: I think that anything that we can do for these families is very important, and I think that this will be a very meaningful change to families and mothers in Ontario who experience pregnancy loss.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Any further commentary? There being none, the committee is ready to vote? All those in favour? All those opposed? The motion is carried.

Now to vote on section 2 as a whole. Shall section 2, as amended, carry? None opposed. Section 2, as amended, is carried.

Sections 3 and 4: I have no amendments, and I'll take them together. Shall section 3 and section 4 carry? No opposition; both are carried.

We go to title. Shall the title of the bill carry? It is carried.

Shall Bill 141—

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote requested. Shall Bill 141, as amended, carry? Recorded vote.

Ayes

Anderson, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh, Yurek.

The Chair (Mr. Peter Tabuns): Opposed? It is carried.

Shall I report the bill, as amended, to the House? I shall report the bill. Congratulations, Mr. Colle. Well done.

Colleagues, we shall adjourn. We've done our work for the day.

The committee adjourned at 1712.

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Journal des débats (Hansard)

Mardi 19 janvier 2016

Standing Committee on Social Policy

Sexual Violence
and Harassment Action Plan Act
(Supporting Survivors
and Challenging Sexual Violence
and Harassment), 2016

Comité permanent de la politique sociale

Loi de 2016 sur le Plan d'action
contre la violence
et le harcèlement sexuels
(en soutien aux survivants
et en opposition à la violence
et au harcèlement sexuels)

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 19 January 2016

Mardi 19 janvier 2016

*The committee met at 1300 in the Holiday Inn
Peterborough Waterfront Hotel, Peterborough.*

SEXUAL VIOLENCE
AND HARASSMENT ACTION PLAN ACT
(SUPPORTING SURVIVORS
AND CHALLENGING SEXUAL VIOLENCE
AND HARASSMENT), 2016LOI DE 2016 SUR LE PLAN D'ACTION
CONTRE LA VIOLENCE
ET LE HARCÈLEMENT SEXUELS
(EN SOUTIEN AUX SURVIVANTS
ET EN OPPOSITION À LA VIOLENCE
ET AU HARCÈLEMENT SEXUELS)

Consideration of the following bill:

Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters / Projet de loi 132, Loi modifiant diverses lois en ce qui concerne la violence sexuelle, le harcèlement sexuel, la violence familiale et des questions connexes.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. Welcome to Peterborough.

Hon. Jeff Leal: Peter, if I could just have one moment to welcome everybody to Peterborough, and then I'll get out of your hair.

The Chair (Mr. Peter Tabuns): By all means. Mr. Leal, please proceed.

Hon. Jeff Leal: Thank you so much. I won't keep you away from your important business. I just wanted to drop by and welcome you all to the great riding of Peterborough, members from all sides of the House, which is so important and one of the great strengths of the parliamentary process in the province of Ontario and indeed throughout Canada. Our standing committees get to tour communities and take a look at very important legislation that's being brought through the Legislature—and an opportunity to come up with good ideas to amend it. This is about listening to the grassroots, for them to make presentations on legislation. Again, on all sides, first of all I want to wish you all the very best in 2016. Thank you for being in Peterborough.

Mr. Chair, I'll turn it back over to you and I will get back to my office and meet some people. How's that?

The Chair (Mr. Peter Tabuns): Thank you, Mr. Leal. It's good to have you here.

I think, colleagues, the Standing Committee on Social Policy will now come to order. We're here for public hearings on Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters. A package of written submissions has been distributed to you.

SUBCOMMITTEE REPORT

The Chair (Mr. Peter Tabuns): First on the agenda is the report of the subcommittee on committee business. I understand that Ms. McGarry will read the report into the record. Ms. McGarry.

Mrs. Kathryn McGarry: Your subcommittee on committee business met on Monday, December 14, 2015, to consider the method of proceeding on the order of the House dated Thursday, December 10, 2015, relating to Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters, and recommends the following:

(1) That pursuant to the order of the House dated Thursday, December 10, 2015, the committee be authorized to meet in Peterborough, Sault Ste. Marie, London and Toronto to hold public hearings.

(2) That the committee Clerk, in consultation with the Chair, post information regarding public hearings on the Legislative Assembly website, the Ontario parliamentary channel, and Canada NewsWire.

(3) That the committee Clerk, in consultation with the Chair, place an advertisement for one day regarding public hearings in one major newspaper of each of the cities in which the committee intends to meet, and that advertisements be placed in English-language and French-language papers where possible.

(4) That the committee Clerk, in consultation with the Chair, send the notice of public hearings to parties who made submissions to the Select Committee on Sexual Violence and Harassment, where contact information is publicly available.

(5) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 5 p.m. on Monday, January 11, 2016.

(6) That if all requests to appear can be accommodated in any location, the committee Clerk, in consultation with the Chair, be authorized to schedule the witnesses.

(7) That if not all requests can be scheduled in any location, the committee Clerk provide the subcommittee members with the list of requests to appear; and that the

subcommittee members prioritize and return the list to the committee Clerk by 5 p.m. on Tuesday, January 12, 2016.

(8) That late requests to appear may be considered, if there is space in any location.

(9) That witnesses be offered up to 10 minutes for their presentation, and that witnesses be scheduled in 15-minute time slots to allow for questions from committee members.

(10) That the deadline for written submissions be 5 p.m. on Friday, January 22, 2016.

(11) That the research officer provide the committee with a summary of submissions by 5 p.m. on Friday, February 5, 2016.

(12) That the committee authorize one staff person from each recognized party to travel with the committee, space permitting, and that reasonable expenses incurred for travel, accommodation and meals be paid for by the committee upon receipt of a properly filed expense claim.

(13) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the subcommittee report to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mr. Peter Tabuns): Any discussion? There being none, are members ready to vote? Shall the subcommittee report be adopted? All those in favour? All those opposed? The report is carried.

Now we're moving on to presentations. Each presenter has a 15-minute time slot. The presenter has up to 10 minutes for their presentation. The remaining time may be used for questions from committee members. Members, if there are more than five minutes remaining, we'll divide the time among the three parties; otherwise, we'll give it to one party in rotation.

TRENT CENTRAL
STUDENT ASSOCIATION
CANADIAN FEDERATION
OF STUDENTS-ONTARIO

The Chair (Mr. Peter Tabuns): We'll begin with our first presenter, and that's Trent University: Hilary Stafford. Please come up. If you would introduce yourself, when you have a seat, for the purposes of Hansard, and please proceed.

Ms. Hilary Stafford: Thank you for the opportunity to speak today. Hello. My name is Hilary Stafford and I'm a fourth-year Trent student here in Peterborough. My hometown is Renfrew, Ontario. I am here today to speak with you in regard to Bill 132 through my position as vice-president, campaigns and equity, at the Trent Central Student Association, as well as through my position as an executive member on the board of directors for the Canadian Federation of Students-Ontario.

I chose to run for a position in student politics because I wanted to make a difference and represent the voices of students who are not necessarily heard. It has been one of

the most challenging yet rewarding experiences of my life thus far, and I have learned so many new things about myself. I have also had the opportunity to work with a number of great leaders who are making a difference not only at Trent University but at schools across the country.

Bill 132 is an amazing step in the right direction in regard to combatting sexual violence. Students have been calling for this for over 30 years. This is extremely important to students everywhere. So thank you for ensuring that specific safety measures have been put in place, and for including the student voice.

Today I would like to discuss some changes that my fellow executive members of the Trent Central Student Association and the Canadian Federation of Students-Ontario have put forward.

Firstly, I would like to point out how, within schedule 3, on the Ministry of Training, Colleges, and Universities Act, subsection 17(1), the definition of sexual violence has no specific mention of campus content. I, along with my other executive members, feel that including a mention of campus life is important within this definition because it will help to ensure that the focus is placed on post-secondary campuses, which is the purpose of this specific section within the act.

A second recommendation is to include stronger language within Bill 132 in order to ensure that the severity of sexual violence is expressed. A specific act of sexual violence that is currently not mentioned is intimate partner violence. This act needs to be included within Bill 132 because presently this type of violence is described as a dating issue instead of the act of sexual violence, which it may be. It is very important that this be included because, as statistics show, often the victim of sexual violence knows their attacker. By not including intimate partner violence, the traditional idea of "stranger danger" is extremely prevalent, and this is not an accurate representation of sexual violence in a relationship setting.

In addition to intimate partner violence, the issue of receiving requests for sexual favours should be included. Often such requests are not immediately recognized as sexual violence, so including them as such in the bill will ensure that they are addressed.

It is also important to recognize that both verbal and non-verbal acts of sexual violence can occur.

Within section 3 of this schedule, a sexual violence policy for post-secondary institutions is discussed. Section 17(3)(a) states that the sexual violence policy at each institution will "specifically and solely" address "sexual violence involving students enrolled at the college or university." The problem with the policy focusing solely on students is that it is not including everyone who is part of the campus community. Here in Peterborough at Trent University there are a number of different individuals who make up the campus community, including students, teaching faculty, and a number of staff persons for a number of different departments. This will be similar to all post-secondary

institutions across the province. Any individual is at risk for sexual violence, so it is important to include every individual that makes up a campus community within a sexual violence policy. Assuming that faculty and staff will be protected under their respective unions is unfair, hence why everyone should fall under the same sexual violence policy that is put in place by the post-secondary institution.

1310

Something else to keep in mind when dealing with sexual violence policies on post-secondary campuses is that student input is included. The current bill states that student input should be considered, but in the opinions of both myself and other student leaders, it is important that the wording of the bill reflect the fact that student input should be included, not just considered. Students play a huge role in campus communities, and so our input should be included in the policy that is going to affect our school environments.

Section 5 of schedule 3 states that schools should review their sexual violence policy at least once every three years and amend it as appropriate. While this is an excellent practice, myself and the other executives on the Canadian Federation of Students-Ontario believe that the policy should be reviewed every two years. This will ensure that the policy is viewed as a priority. If each school were to create a standing committee to review the policy, one that also met regularly and continuously to address other issues as they came up, then it would be ensured that the policy would be a priority for the post-secondary institution. If there is a constant discussion surrounding this policy, then student issues will stay at the forefront of the discussion, along with the concerns of other community members.

One final improvement upon the current bill would be to include a climate survey surrounding sexual violence at post-secondary institutions. This would help to ensure that data collection at post-secondary campuses is more accurate, while also providing a way to include acts of sexual violence that are not put forward to the school.

In conclusion, I would once again like to state how Bill 132 is an excellent start in combatting sexual violence. All of the proposed changes that I have mentioned will ensure that this bill represents all individuals on post-secondary campuses.

Thank you.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Stafford. The first questions go to the official opposition. Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much. I didn't realize you were from Renfrew, so I have to ask the questions or at least maybe get some clarification. There are a lot of parts here where you've suggested some changes. I can't write fast enough to cover them all, but we're certainly going to review the Hansard.

You've talked about a campus context in 17(1). Have you looked at any specific wording as to how we would amend that to ensure that those concerns were being addressed?

Ms. Hilary Stafford: I think one of the main concerns we noticed was just that the word "campus" isn't used. If even in some of the wording it said "through campus activities" or "through the campus community," then I think that would add a bit more of that context.

Mr. John Yakabuski: So we're talking about the colleges but we're not talking about the campus—you're talking about the specific campus location, the geographic location?

Ms. Hilary Stafford: No, sorry, the community that would make up the campus; for example, at Trent University, the Trent University community.

Mr. John Yakabuski: Okay. As I said, we'll have an opportunity to look at the Hansard as well.

You talked about five or six different spots here where you want to see some changes or some strengthening. That's what we're here for, to find out how we can actually make the bill stronger, better or more effective. I know you have clearly indicated that you appreciate the bill, and all members have supported the bill in the House, but if there are things that we can do to improve it, I'm sure we'll be looking at that.

Ms. Hilary Stafford: Great. Thank you very much.

The Chair (Mr. Peter Tabuns): Ms. Scott, did you have any questions?

Ms. Laurie Scott: Are you doing a rotation, or what would you like to do?

The Chair (Mr. Peter Tabuns): You still have about a minute.

Ms. Laurie Scott: Okay. Peggy, do you want—

The Chair (Mr. Peter Tabuns): I can go on to the third party.

Ms. Laurie Scott: Yes.

The Chair (Mr. Peter Tabuns): Ms. Sattler, please proceed.

Ms. Peggy Sattler: Thank you very much. I really appreciated your reference to the need to include intimate partner violence. That was a point that I had made when I spoke to the bill initially and it's something that has been recommended by the coroner in the domestic violence death review committees.

Your thought is that the definition in section 17(1) should be amended to make explicit reference to intimate partner violence as well as requests for sexual favours. In cases of intimate partner violence, would you see the need for separate processes to be spelled out, or do you see that the policy would apply to both sexual violence and intimate partner violence in the same way? Would there be a need to describe different processes depending on what kind of violence the student had experienced?

Ms. Hilary Stafford: I do think that there would be a need for separate processes, as dating violence could fall under a different situation than a typical act of sexual violence. So while I believe there are many similarities, and sexual violence is sexual violence, I think the dating situation might need to be approached slightly differently than a normal sexually violent act would be approached.

Ms. Peggy Sattler: Okay. Do you have some thoughts about the content of the sexual violence policy, and

specifically dealing with intimate partner violence? Is that other input that CFS or Trent University could be providing to the committee?

Ms. Hilary Stafford: Yes. I don't have anything with me at the moment, but I'd be more than happy to get something across to the committee once I've gotten that information, if possible.

Ms. Peggy Sattler: Okay, that would be excellent.

The other issue, receiving requests for sexual favours: This is new to me; it's not something that I'd heard before. Are you aware that this happens frequently on campus? Can you give us a better understanding of what that includes?

Ms. Hilary Stafford: I've never personally heard of it happening at the Peterborough campus. But when we mentioned it, our thought was if, say, a person in a position of authority, such as a professor or a teaching assistant or something like that, were to say to a student, "Oh, I'll give you a better grade if you do this." That's kind of the situation that we were thinking of: if a person of authority is using sexual acts against a student.

Ms. Peggy Sattler: Okay. More questions?

The Chair (Mr. Peter Tabuns): You have about 20 seconds left.

Ms. Peggy Sattler: Okay. I'll go to the—

Ms. Hilary Stafford: Thank you.

The Chair (Mr. Peter Tabuns): Okay. We'll go to the government. Ms. Malhi?

Ms. Harinder Malhi: First of all, thank you for being here. It's nice to see that student associations are taking such an active role in the sexual violence and harassment policies that you want to see come out.

As part of Bill 132, there is a portion of it that talks about having students playing an active role when we develop or change these policies. How would you think your student association, or the other group that you're affiliated with, would want to take that active role? What would you do to help us in making those amendments? How would you want to participate?

Ms. Hilary Stafford: I think that being able to provide our opinion and being able to comment on the things in the bill are most important. Also having a chance to review the bill once everything has been changed, just to ensure that if there is anything else we notice, or just being able to give our input and having it be included, I think, is the most important thing.

Ms. Harinder Malhi: Thank you so much.

Ms. Hilary Stafford: Thank you.

The Chair (Mr. Peter Tabuns): Are there other questions? Ms. McGarry?

Mrs. Kathryn McGarry: You suggested a number of different areas where the universities, under Bill 132, might be increased. One of the examples was instead of reviewing the policy every three years, reviewing it every two years. Can you expand a little bit on that?

Ms. Hilary Stafford: Sure. We just feel that by reviewing it every two years, it's going to ensure that it's more at the forefront of policies. We have often seen that policies that are only reviewed every three years may not

necessarily be given as much thought as often as other policies that are reviewed more frequently. We feel that by it being reviewed every two years, it's going to ensure that it is at the forefront of both the university's and students' minds.

We also feel that, if you think about it, if a policy was put in place in a student's first year, then it wouldn't technically be reviewed until they were in their third year, and that's almost at the end of their academic career. By having it reviewed every two years, it's ensuring that for most students, that would be twice within their academic career. That's going to be an opportunity for that to occur while they are still at Trent University or other post-secondary institutions.

Mrs. Kathryn McGarry: Okay. I also had another quick question. In the current form of Bill 132—and it appears that you've gone through it with a fine-toothed comb, and I really appreciate that—which element of the proposed legislation do you find to be the most important, and why?

Ms. Hilary Stafford: I do think the most important is having a sexual assault policy at the schools, just because if there is no legislation in place at that school, then when situations arise, there really is no specific outline as to how things should be dealt with, or that kind of thing. I think that having policies at every post-secondary institution is the most important.

Mrs. Kathryn McGarry: Okay. Do I have some time left?

The Chair (Mr. Peter Tabuns): Just 15 seconds.

Mrs. Kathryn McGarry: Okay. Do you use the #WhoWillYouHelp hashtag here at school?

Ms. Hilary Stafford: We do, yes. I actually run the Draw the Line campaign through my office.

Mrs. Kathryn McGarry: Wonderful. Thank you.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

Ms. Hilary Stafford: Thank you.

TRENT UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presenter, then, is Trent University: Louise Fish and Ruth Walker. As you've seen, you have up to 10 minutes to speak. Time that's left will be apportioned to the parties for questions. If you'd introduce yourselves for Hansard.

Ms. Louise Fish: Yes, good afternoon. I'm Louise Fish, the director of risk management at Trent University. My portfolio includes health and safety and campus security. Thank you for this opportunity to comment on Bill 132.

Sexual violence is an issue of concern for Trent University. We've convened a sexual violence working group with 18 student representatives from all student governments, as well as independent graduate students who often are researchers in the field itself. The working group has developed a stand-alone policy which has been endorsed by our executive committee and will be approved by the full board later this month. The working

group will continue to review and recommend enhancements to our existing sexual violence prevention, response and support programs. Once Bill 132 is enacted as law, the committee will review our policy and procedures again to ensure full compliance. On Hilary's comment, I do note that the Occupational Health and Safety Act requires that the health and safety policies of every institution be reviewed annually.

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Sexual violence is also of personal concern to me. Since the 1970s, when I was a university student, I've endured and fought against misogyny and its inevitable by-product, sexual violence. In the 1980s and 1990s, I was a naval officer and sexual violence was a sad by-product of introducing women into more and more military roles and environments. As we've seen from incidents in the last year, it remains an issue today.

I returned to the university sector in the late 1990s to find that misogyny and sexual violence remain issues of concern. That's over 40 years of tilting at the same windmill, which stubbornly remains in place.

Trent University supports and embraces the Premier's action plan which puts two bold initiatives in place to address sexual violence. The first initiative, adding respect and consent to the primary and secondary school curricula, speaks to the future. It is our hope that a generation hence, students entering university will understand that every person deserves sexual and physical autonomy by the simple virtue of their personhood.

The second initiative, Bill 132, provides stronger tools for dealing with the existing culture in which sexual violence continues. Most Ontario universities, including Trent, have been combating sexual violence for decades with prevention and awareness campaigns, policies and protocols and a range of internal and community supports for survivors. At Trent, for instance, we have been posting our statistics on reported incidents of sexual violence, along with other violent incidents, for a decade. They're posted online.

Legislation such as Bill 168, which amended the Occupational Health and Safety Act, and the Human Rights Code already provide guidance and direction for dealing with sexual violence and harassment. We welcome the additional direction of Bill 132. That said, we have a few suggestions to strengthen the bill as it pertains to the university sector.

Our first recommendation is in regard to the scope of the legislation, which requires a policy focused exclusively on students. Please note that all of our graduate students and many of our undergrads are also university employees and therefore subject to the provision of their collective agreement and existing university policies and procedures on workplace violence, including sexual violence. As well, one of the parties to an incident of sexual violence may be a student and the other a faculty or staff member. We recommend a survivor-centric approach to the scope of the policy that includes students, staff and faculty to provide consistent and timely response and support to the entire university community.

At this point, I'd like to introduce my colleague, Ruth Walker, Trent's health services clinical team leader, who will provide additional recommendations.

Ms. Ruth Walker: Thank you for the opportunity to speak to you about Trent's response and prevention of sexual violence strategies. Trent University has a variety of supports in place to respond to cases of sexual violence and we provide multiple points of contact for support.

We have increased our efforts to inform student leaders and staff about supporting survivors of sexual violence, both current and historical, and what to do if they receive a disclosure. This education has included how to access community resources such as Kawartha Sexual Assault Centre and the sexual assault program at the Peterborough Regional Health Centre. We are pleased to have positive working relationships with these community partners.

We have also added a specific staff training session regarding sexual assault survivor support to our Student Support Certificate program. On-campus supports by professional staff are available through a number of departments, including Student Health Services, Trent Counselling Centre, campus security, housing and the Centre for Human Rights, Equity and Accessibility.

In terms of how this applies to Bill 132, Trent University recommends that this legislation make allowance for these multiple points of contact, which include some services that are entirely confidential, such as counselling and health services. As a nurse and someone who receives disclosures, I see first-hand the importance of confidentiality. Survivors must have a safe environment for seeking support.

If there is a perception that accessing health or counselling services will result in a formal report to the university, this will prevent individuals from coming forward for the help they need. As such, Trent University's policy clearly states that accessing student wellness services does not constitute a formal report to the university; however, reporting options can always be made available during these confidential services.

In regards to disclosures, it is important that survivors be afforded choice regarding if and how they access support. They can choose to, or not to, access counselling or health services; they can choose, if they want, to confidentially disclose experiences of sexual violence, yet not seek formal resolution; they can choose whether or not they report sexual violence formally to the university; they can choose whether or not formal action be taken against the person who has assaulted them.

Sexual violence is not about sex; it is about power and control, and survivors must be afforded choices for support. Therefore, Trent is recommending that Bill 132 allow universities the flexibility to distinguish between reporting and disclosing, as well as the ability to ensure that survivors have access to confidential services.

As for reporting, in order to include the multiple sources of support and maintain privacy legislation and our commitment to confidentiality, the legislated require-

ments for Bill 132, as written, will require universities to establish complex reporting processes. The level of campus resources required to develop a system for reporting the number of times that supports and services related to sexual violence are requested or obtained by a student will be substantial. However, this information could be efficiently collected through a climate survey. A climate survey, or campus assessment data, would allow universities to better understand the attitudes, experiences and behaviours of students and other campus community members. It would provide a more accurate picture of sexual violence, as Hilary has already spoken about.

Based on the confidential National College Health Assessment survey conducted at Trent in 2013, we could see a major discrepancy between the number of reports made to security that year and the number of students who indicated on that survey that they'd experienced sexual violence. A standardized survey administered to all universities would provide consistent surveillance and would allow us to monitor progress and inform change more effectively. Therefore, Trent, alongside other Ontario universities, is advocating for the development and implementation of a campus climate survey for use across Ontario as a method for some of the reporting requirements proposed in Bill 132.

Sexual assault prevention work is also another important area for post-secondary institutions. Trent has been delivering and refining sexual violence awareness and bystander intervention initiatives for a number of years. This fall, a workshop was created involving collaboration of multiple departments and ongoing consultations with students. During orientation week, these workshops were co-facilitated by students, student staff and professional staff. The Trent Central Student Association has also run the Draw the Line campaign with support from Kawartha Sexual Assault Centre and our Student Wellness Centre.

However, each year universities across the province dedicate time and financial resources to reviewing and creating campaigns, awareness materials and educational initiatives regarding sexual violence prevention. There is a need for province-wide educational resources that can be used on campuses but hold enough flexibility that they can be tailored to the needs of each campus. It is also important that province-wide campaigns and training material be provided with enough time to implement an inclusive, campus-wide approach and to engage community partners effectively.

Providing comprehensive services, response and prevention strategies on campus requires human resources, time and the expertise of trained professionals; however, existing student wellness resources are at capacity. We greatly appreciate our partnerships with the violence-against-women sector, and we recognize that by raising Trent University's awareness of their services, it will also increase their demand. We echo the statements made by the violence-against-women sector and draw public attention to what could become a significant access issue, recognizing that outside of large metropolitan areas,

access to services can be very challenging. Trent recognizes—

The Chair (Mr. Peter Tabuns): I'm sorry to say this, but I'll have to ask you to start to wrap up, because you've got about 10 seconds left.

Ms. Ruth Walker: Okay. So we recognize that this is an issue beyond post-secondary institutions for the general public and we welcome this bill. We are thrilled that it provides more opportunity to engage effectively with community partners, and we recognize that this is an exciting time to come together and see sexual violence prevention move forward collaboratively and strategically.

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The Chair (Mr. Peter Tabuns): Thank you very much. And the questions go, because we're under five minutes, to the third party. Ms. Sattler?

Ms. Peggy Sattler: Yes, thank you very much. First of all, I want to say how nice it was to see the reinforcement that you provided for the earlier presentation, particularly around including staff and faculty in the scope, and also the climate survey to be undertaken.

My question is around the reporting, the concerns you flagged about the implications of reporting. That's all included in section 7 of the—I don't know what that is. That's section 7 or subsection 7. Anyway, it's the section that's titled "Information for Minister." There, it specifically refers to the number of times that supports are requested and obtained by students. Is it your recommendation that that be removed from the bill? Is that what you were recommending?

Ms. Ruth Walker: I think that would be the recommendation, as long as there are other ways to track that, of course. The recommendation is that, rather than taking that approach, a climate survey, or having assessment data on campuses that's standardized across campuses, will be more efficient and give us quality information that can help us track and see outcomes and ultimately meet the goals of what we want to see and having outcomes more effectively than as it's written currently.

Ms. Peggy Sattler: How often would you see a climate survey being conducted? The first one would be a baseline, and then are you thinking of an annual survey of campuses across the province?

Ms. Ruth Walker: I think that an annual survey would allow universities and the provincial government to track on a tighter timeline, so you can see change perhaps more quickly than if you were to—or not see change, and then understand at an earlier point in time what you may need to change sooner, in order to see better outcomes.

I think once a year would be very powerful and give us quality data that we could implement sooner than in the long run.

Ms. Peggy Sattler: You mentioned at the beginning the sexual violence working group that included 18 student representatives and grad students. Was this the feeling, the consensus of that working group, that the data requirements were too onerous for the institutions?

Ms. Ruth Walker: We have not had an opportunity to specifically discuss the bill at that working group. However, in terms of reporting and what that looks like, it has been an ongoing conversation recognizing the multiple departments that are involved and what that looks like. This would provide a solution for the many challenges we've brought forward in that working group.

If you'd like to add anything—

Ms. Louise Fish: Yes. You heard Hilary talking about a climate survey as well, which we conduct regularly now. There might be a barrier, a reluctance to access services if you felt that it might be reported that you'd done so. I know it will be confidential and all that. A survey was supported by the group, when we talked about this, before the latest iteration of the bill passed second reading.

The Chair (Mr. Peter Tabuns): You have no further questions?

Ms. Peggy Sattler: I guess I'm asking so many questions about the data reporting aspect of the bill because I know that this was welcomed by some student organizations as an important way to measure the effectiveness of the policies and to look at differences across institutions, so you can look at what's working well in one place. There would also be consistency of reporting. The ministry's obligation would be to develop the definitions of what is to be reported and how it's to be collected, so that you're comparing apples to apples and you're not looking at—you know, there was that CBC survey that was all over the map in terms of the numbers of incidents on campus. Trent has already, obviously, been a leader. You said you posted already online.

But I'm wondering if there are other ways that we could keep this reporting, and address the resource implications as well as the confidentiality of the people who are experiencing sexual violence on campus.

The Chair (Mr. Peter Tabuns): I'll just let you know that you have 20 seconds left.

Ms. Ruth Walker: I think that that may be a possibility. The additional factors that are built into a climate survey would be those behavioural perceptions added to changes that wouldn't be captured in the language as it's written now.

The Chair (Mr. Peter Tabuns): Thank you very much.

YWCA PETERBOROUGH HALIBURTON

The Chair (Mr. Peter Tabuns): Our next presenter, then, is YWCA Peterborough Haliburton: Lynn Zimmer. Ms. Zimmer, as you know, you have up to 10 minutes to present. If you'd introduce yourself for Hansard so it's recorded.

Ms. Lynn Zimmer: Hello. My name is Lynn Zimmer. I'm the executive director of YWCA Peterborough Haliburton.

Mr. Chair and committee members, the YWCA in Peterborough operates a women's shelter, and we also

operate permanent housing for women and children who have escaped violence, so we are in the landlord business as well as the shelter business. My comments will be about the changes to the Residential Tenancies Act. They're general, because I found the language of the act kind of mind-numbing to try to step through, and I wondered, will this not be very difficult to understand?

It is well recognized in the violence-against-women sector that a woman faces the greatest risk of harm when she's leaving an abusive relationship. At that time, there's physical risk of harm from her former partner, which is very high, but there are other, less tangible risks. A woman fleeing violence faces an immediate risk of homelessness when she turns to a shelter for safety. She will be safe for as long as her shelter stay lasts, but finding affordable housing to move to from the shelter is a huge obstacle. For some women, this will become a cycle of couch-surfing among friends and family that increases her risk of experiencing further violence and sexual assault.

Some of the other, less tangible risks a woman faces have to do with the stigma that attaches to victims of domestic violence in residential tenancy situations. There's often a lack of nuance, to say the least, in people's understanding of violence in relationships. It is easy to believe, when you're only hearing events through a wall, that the fighting is mutual and that the victim is as responsible for the situation as the aggressive partner is. She may be making the most noise. After all, it takes two to tango, we hear people say. This misunderstanding of the mechanisms of gender-based violence in relationships leads to discrimination against the victim in the rental marketplace, where she may be seen as every bit as problematic a tenant as the perpetrator of the violence.

Looking at this from the perspective of the victim illustrates some of the complexity. A woman has come to a difficult decision to leave an abusive relationship. She may have children to provide for. She will be struggling with emotional and physical scars from the abuse she has experienced. She may have an ex-partner who is escalating in violence and harassment, and whom she cannot avoid because he is the father of the children. She finds herself in the centre of an intricate web of problems, and she may not know where to turn for help.

Abuse takes many forms, and often the women we help have not only been the victim of violence, sometimes for lengthy periods, but also of financial abuse and control. Many victims have no access to money because their abuser controls all family assets. Some abusers ensure that bills and utilities are subscribed in the victim's name, which can leave a woman in a precarious financial situation and reflect negatively on her credit rating, which is vital to her ability to rent new premises. She may have involvement with two or three different courts in seeking to resolve legal problems arising from the violence. She will be expected to navigate criminal court, family court and civil court, and will face serious consequences if she does not navigate successfully.

It is worth noting that the problems and obstacles described here are compounded if the victim is a member

of a cultural minority, if she's aboriginal, has a criminal record or has a disability. She may face greater discrimination because of these factors and she may also have greater difficulty accessing services.

The proposed changes to the Residential Tenancies Act under Bill 132 will only scratch the surface of what aid a victim trying to leave an abusive relationship will need. It is helpful to allow victims a way to unilaterally end a tenancy early, but it is a hollow right unless it is accompanied by the ability to find alternative affordable housing.

The lack of affordable housing is an obstacle many victims of violence face in trying to establish new lives for themselves and their children. For some victims, it is so difficult to overcome this problem that they give up and return to the abuser. This can set up a cycle that makes it harder for the victim to ever effectively leave, because she may lose the goodwill of service providers if she returns to her abuser, and her truthfulness about the violence and abuse she experienced will be questioned ever after once she returns to her abuser. Landlords, court staff and service providers need training to understand the complexities of gender-based violence and be able to offer more effective help to victims.

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Until we have a better pool of housing options available, we need an amendment that empowers the victim of violence and protects her in her home if that is her choice—not just to leave, but to be able to actually stay and have her abuser leave. Not all victims want to leave the joint home. Some of them want the abuser removed. We require a mechanism that will allow the victimized tenant to remain in the property while removing the abuser's name from the lease. This may be problematic in private rental situations but could be readily introduced to public housing situations, which may be of greater value to the tenants because of rental subsidies.

In the case of the YWCA, only women can be tenants, but their children who achieve the age of majority and who are continuing to live with them while they go to school are added to the lease. For instance, if there were a son or a daughter who was being abusive to their parent, we would not want that child who had been the abuser to be left holding the lease in our housing. I think it's tricky. It's not so much of an issue somewhere else where anyone can be a tenant, but it certainly would be a problem for us.

There appears to be nothing in the proposed changes to the act to constrain a landlord from using the fact of receiving a certificate like this from a tenant as a piece of information to later decide that that tenant is a bad risk and to choose not to rent to that person. In a town like Peterborough, where there are a handful of big landlords who control much of the local rental market, this could make it more difficult for women to find housing. The act must include constraints on the use the landlord may make of the information in subsequent dealings with the tenant. We wouldn't want that to be following her everywhere.

Just because a victim is able to end a lease on short notice does not mean her involvement with that landlord is over. She may end up being the person pursued by the landlord for overdue rent or compensation for damages to the rental unit caused by the abuser. An amendment that at least specified that victims may not be pursued for damage to a unit when they have ended a lease for reasons of violence would help. I understand that that could also be very problematic as well. I think this is one of those cases where, when you try to do good, you just make it more complicated, and it's dubious whether it will be a huge advantage to the person that you're trying to help.

As with any legal amendment designed to assist victims of violence, there is the strong possibility of abusers using the process to the detriment of the victims. We have seen, with mandatory charging and dual charging, that laws meant to assist victims can be turned against them.

In addition, there is already a perception in some circles that women make allegations of violence and abuse to get an advantage in Family Court. This amendment to the act may have the unintended consequence of making it even harder for women to obtain Family Court restraining orders as judges and justices of the peace become aware that de facto eviction could be the result of such an order.

The legislation can be used as a sword as well as a shield. For this reason, it will be important to research outcomes of the legislation as part of implementing the law, to determine whether it is actually helping the victims of violence.

Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. Questions start with the government. Ms. Malhi.

Ms. Harinder Malhi: Thank you so much for being here today and sharing a lot of the things that you talked about and how they may be problematic.

You've made a number of suggestions as to how we could make changes to the Residential Tenancies Act portion of all of this, because you feel that it would cause issues going forward. I think the biggest part of this was for us to make sure that we could get people out of unsafe situations. Do you still feel that these proposed changes will help women in need, and how do you think it will be helpful to them?

Ms. Lynn Zimmer: I think it will be able to help some women get out of a place where they're renting quickly, without having to pay a couple of months' extra rent. It could speed up her chance to move somewhere else. I just think that the relationship with the landlord could still be really messy, and it could really impair her ability to ever be able to rent a unit again from that same landlord. On the other hand, you could have a compassionate landlord who really cares about this and would go out of their way to help her move to another building. So it's all about whether the social safety net is actually working and everybody's participating, or whether, for somebody else, it's just business.

Ms. Harinder Malhi: I agree with you, because earlier you talked a lot about how we can't really make sure that everybody's going to act or react a certain way, so it's something that could get messy either way.

Are there any suggestions you have in how we could make it better, how we could make it so it's more compassionate? I don't think we can really require somebody to be compassionate by any means; we don't have that control. But in what ways do you think we can make it better?

Ms. Lynn Zimmer: Well, landlords are going to say, "We're going to lose money if we do this," so is there an answer for that? If you really want it to work you have to understand the landlord and be able to communicate to them why they should comply.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time with the government. We go to the official opposition.

Ms. Laurie Scott: Thank you very much for appearing here today, Lynn, and for serving our communities.

They have a great program, the START program, which I don't know if you want to speak a little bit about. We have such limited time, and it's not only the city of Peterborough. I have a rural riding, so we have a lot of extra challenges, housing being one of them, but you do great work with the START program.

You mentioned some things. No question, we have affordable housing issues. You brought some things up in Peterborough which I didn't realize. I'll do two quick questions: Do you think training for landlords would be helpful? And do you, the YWCA, have a list of possible places for people to rent who are fleeing from violence?

Ms. Lynn Zimmer: We've got our own housing, so very often women can move straight into that. We work with other social housing providers.

Ms. Laurie Scott: Yes, that's what I mean.

Ms. Lynn Zimmer: I forget the earlier part of the question, though.

Ms. Laurie Scott: The training for landlords. Do you think that's helpful?

Ms. Lynn Zimmer: No, I don't think we can really train them. I think what would be handy is a one-page information piece that would spell out why this is good business for landlords. Why is it good for them to not be having violence and abuse happening in their building? What are the chances they'll have if they get abusers out or disrupt that pattern? Is there some financial advantage for them in terms of their property costs and all that sort of thing? Actually make the economic argument to landlords about why this is in their interests, and why having a peaceful building is something that they should care about.

Ms. Laurie Scott: Okay. I guess that's it. Thanks, Lynn.

The Chair (Mr. Peter Tabuns): To the third party. Ms. Sattler, you have the last two minutes.

Ms. Peggy Sattler: Thank you very much for the presentation. I think you made an excellent point about the lack of financial control that many women experience

when they are in situations of domestic violence and the abuser controls access to the bank account and everything else you mentioned, not having a credit rating.

Even if a woman has a supportive landlord and is able to break the lease in the 28 days' notice, she's not able to afford the first and last month at a new place. She's not able to afford the moving costs, and just setting up a new housing situation.

Do you think that some kind of model of a housing stability bank or some kind of fund should be created to allow women and anyone who's experiencing abuse, who's in a situation like this, who needs to leave their rental housing because of sexual violence or domestic violence—should there be some kind of access to funding to enable that move to occur?

Ms. Lynn Zimmer: I think that would be quite helpful. I know that in our community there is an emergency fund and the start-up fund associated with Ontario Works, but there could be somebody who is of very low income but not on Ontario Works. Having funding available for that kind of one-time emergency situation would be very helpful.

Ms. Peggy Sattler: Have you dealt with women who have been forced to stay in a residential housing situation with their abuser because they could not afford the costs involved in moving from the housing?

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say you've used up your time.

Ms. Lynn Zimmer: Probably.

The Chair (Mr. Peter Tabuns): That was a quick answer. Thank you very much for your presentation.

Ms. Lynn Zimmer: Thank you.

KAWARTHA SEXUAL ASSAULT CENTRE

The Chair (Mr. Peter Tabuns): Our next presentation, then, is from the Kawartha Sexual Assault Centre. Sonya Vellenga?

Ms. Vellenga, as you have seen, you have up to 10 minutes to present, followed by questions by the parties. If you would introduce yourself for Hansard.

Ms. Sonya Vellenga: Thank you. I'm Sonya Vellenga with the Kawartha Sexual Assault Centre. I just want to reflect on the last question that was asked of Lynn in terms of individuals who may have been reflected in the changes of the act. We certainly have had three individuals in the last four months who have—it wasn't a co-living environment. It was some sexual violence and harassment from the maintenance individuals, which was not believed by the landlords. Larger apartment buildings which have a number of people working in the building—it's not just the landlord; there are maintenance individuals within that.

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For those individuals, one was able to have their locks changed so that the maintenance person would not have access to their apartment. Two others identified that there was no other place to go. Really, they needed to stay there, because of the housing shortages.

I also wanted to reflect on Louise, Ruth and Hilary from Trent University, and some of their comments, specifically their comments around choice for survivors and how an unanticipated consequence of mandatory reporting requirements could negatively impact on survivors.

The idea of a campus climate survey: A well-written, tight provincial requirement would give people the choice of reflecting their experiences in a private way that does not put them in the seat of mandatory reporting. I think if we think about the reporting statistics to police, they're very, very low. I would anticipate that the reporting statistics for colleges and universities would be very, very low for some of the very same reasons that we experience low reporting to the police. It's that lack of choice, and the unanticipated consequences of those reporting requirements. I wanted to reflect that.

Our centre is physically located in Peterborough. We provide crisis support across four counties, and also client services here in Peterborough. A large part of our work also includes education, community engagement, raising awareness and addressing systemic and structural issues.

We've recently completed a research report, and we were able to receive information from over 200 people, including front-line people and survivors. There were three main themes that came out of that research—and you know this, from listening to individuals:

- The complexity of victimization, connected to generational and lateral cycles of violence, came through really large;

- Our culture today is really influenced by social media and the digital world, and there's nothing in the legislation that speaks to the digital world, and that is increasingly becoming a problem; and

- Disclosure of sexual violence occurs when there are trusting relationships in place, and that speaks back to the mandatory reporting as well, that that reporting is not happening within a trusting relationship. The research is quite strong there in terms of disclosure. Even disclosure for children typically occurs within a trusting relationship; it does not easily come to a stranger.

Front-line staff who work with marginalized youth, health services, social services, aboriginal women and girls, and developmental services are identifying some of the intersections. They are seeing clients who are engaged in grooming and sex work, for example, in exchange for shelter and drugs and, in effect, maybe possibly being recruited or trafficked into other larger city centres. There's nothing in the current legislation that speaks to that. In our region, we do not have identified exit strategies for young people facing the possibility of being humanly trafficked.

There are other areas of Bill 132 where we anticipate some impact, and I just noted a few here.

With increased public awareness about sexual violence and harassment through Bill 132, there may be an increase in reporting to police services of incidents, and resources will need to be made available, specifically

some trauma-informed training and other training to ensure a professional, relevant and compassionate response. That's really important and that has been highlighted in other projects and spoken about in the Philadelphia model and in the second-party reporting model.

There's an increased recognition that collaborative hubs will help mitigate the experiences of individuals who move from system to system in order to receive support. Certainly, we are working with our shelter systems in the four counties to look at collaborative models, to look at how we can continue to build and maintain the START model, which has received some good support and good feedback from service users of the model. So we anticipate that additional resources and staffing supports are needed for these models in order to maintain these models.

In our rural areas of the region, there's acknowledgment that transportation remains a distinct and difficult challenge to overcome, and so there's a need for the government to support municipal infrastructure and also a recognition that virtual responses may need support and resources.

I mentioned it earlier, but just to reinforce, for our universities and colleges, this bill will put increased demands on our post-secondary system. While we support the changes and intent behind Bill 132, we also really want to highlight that additional resources will be necessary for Trent and Fleming locally in terms of being able to maintain the prevention, response and training supports required. There has been a lot of work over the past year on behalf of both the college and university here locally, and I want to share that they've done a lot of work and we've had a lot of conversations.

Lynn from the YWCA spoke to the need for housing support. We're certainly an area that is struggling to meet our current housing needs, and that's a reality that needs to be understood.

Under the Occupational Health and Safety Act, we see that there's opportunity for provincial training initiatives, but we also see that that will place increased demand in terms of resources and consultation from centres such as ours.

Those are my talking points. Thank you. That's it.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about eight minutes to share, and we'll start with the official opposition. Ms. Scott.

Ms. Laurie Scott: I want to say that Sonya from the Kawartha Sexual Assault Centre had been outstanding assistance as we travelled the province on the select committee, helping with human trafficking issues, which I've been working up. They did a report, *Lessons from Behind the Door*, which Sonya mentioned we should all get a copy of.

I have a limited time, so here it goes: You mentioned the START model and you touched upon the community hub models that you have in our rural areas. Could you speak a little bit about those programs? Basically, you're going to need some more assistance to continue those programs that go forward. I don't know if you want to

explain a little bit about those programs that you have here, because they help a lot of our communities in Peterborough and Haliburton–Kawartha Lakes–Brock and Northumberland to a point of being, I think, a tremendous example for the province.

Ms. Sonya Vellenga: Well, in the four regions—Haliburton, the city of Kawartha Lakes, Peterborough and Northumberland—there is a shelter system in each of those regions. If anybody has a cottage in the Haliburton area and is travelling from Tory Hill into Haliburton town, that is not a little drive. That's sort of like going from Oshawa to downtown Toronto without transportation.

The idea behind a hub model—and I'm going to also say a virtual hub model—is that some of those transportation barriers can be addressed through a one-stop strategy where they're not making an appointment with Ontario Works and housing and the shelter and a lawyer and a sexual assault centre on different days, different locations, different times. So, in essence, that's the thinking behind a collaborative hub.

Ms. Laurie Scott: And you'd like to see that kind of—in Bill 132, if we could delve into the community hub models, they are quite effective.

1400

Ms. Sonya Vellenga: Certainly, yes.

Ms. Laurie Scott: They're also economically good. It makes sense.

Ms. Sonya Vellenga: Yes, and Lynn from the YWCA certainly did speak to the economic challenges. The idea behind the hub is to help mitigate some of that, but there will be the need to maintain resources in order for this to occur.

I know that trafficking is an area that is of interest to this committee. Certainly, while we're largely—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with this questioner.

We'll go to the next. Ms. Sattler?

Ms. Peggy Sattler: Yes. Thank you very much for your presentation and for being with us today.

You began your presentation by talking about two issues: first, that Bill 132 does not refer to the digital world and the reality that much sexual violence is initiated through the Internet, and also that disclosure most commonly occurs within trusting relationships, which is the reality that you know from the work that you do.

Do you have some specific recommendations for this committee as to how and where these two issues could be reflected in Bill 132? As you reviewed the legislation, did you see opportunities to integrate references to the digital world and also that whole issue around disclosure and trusting relationships?

Ms. Sonya Vellenga: That's a big question. I would say that the Child and Family Services Act does speak to some of the online challenges, but I don't think it's in enforcement yet. I think there's some notation in that act that references the digital world. I did not study other legislative acts to understand where that could be addressed, but I am certainly able to say confidently that

that is an issue that high schools and junior schools—grades 7 and 8—are facing. In my hand-out here I note some of the work that we're doing with the OHL. I think yesterday the NHL noted that they were doing some work, and some of this reflects digital violence: the exchange of information, not freely, without choice, that puts young people—young boys and young girls—at risk. So I do think that there might be opportunity for some additional work around digital violence.

Then your other question was related to—

Ms. Peggy Sattler: The trusting relationships. But just on the digital violence: perhaps going through with a fine-tooth comb and looking at the definitions?

The Chair (Mr. Peter Tabuns): I'm sorry to say, MPP, you're out of time. We go to the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you so much for being here and for all of the important work that you do to support women in need.

I wanted to talk to you a little bit about the amendment in regard to not having that two-year limitation to report for survivors. Now, this is something that's going to give them more time, because we know that not all survivors are ready to report as soon as they get out of this relationship or this situation. In what way would it help some of the people who have come to you for help in the past?

Ms. Sonya Vellenga: My understanding of the limitations is that it's limitations around reporting for the purposes of criminal injuries compensation and not necessarily related to the criminal code.

Ms. Harinder Malhi: I think that what we've done is we've taken away the two years in the reporting. We want to see that they have that time to go back if they feel that they need to report after the fact.

Ms. Sonya Vellenga: So I'll answer it in this way: I've been at the centre for three years, and we're called the Kawartha Sexual Assault Centre. I certainly began my work at the centre thinking that most of our clients would be clients who had experienced recent sexual violence and harassment. I was very surprised to learn that over 75% of our clients had experienced historical sexual abuse, sexual assault, and spent years not telling anybody. There would be something either in the news or something in their personal family life or increased safety for themselves that they now felt able to disclose this experience—more than 20 years. In our study we had somebody who was in her 70s and had never reported it. Her first report was to us in this research study.

The Chair (Mr. Peter Tabuns): Thank you very much. I think you have 10 seconds.

Ms. Harinder Malhi: Thank you for coming.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today.

Ms. Sonya Vellenga: Thank you.

FLEMING COLLEGE

The Chair (Mr. Peter Tabuns): Our next presenters, then: Fleming College, Kristi Kerford. As you've

observed, you have up to 10 minutes to present and that will be followed by questions, and if you'd introduce yourself for Hansard.

Ms. Kristi Kerford: Hi. Thanks for the opportunity to be here today. I'm Kristi Kerford and I'm the associate vice-president, student services, at Fleming. I was going to frame my remarks around what I like, the impact on us and then some broad recommendations.

The "what I like" is very general but I would say I just like that the attention is being paid to the issue, so there's good work being done there. I also like the collaborative provincial approach to the conversation. Those are broad and short.

When I think of the impact on us, and by "us" I mean Fleming College and our role as administrators and educators in post-secondary, I would say the impact started before the bill came into existence. It started when the media and the government began to really put an emphasis on this, and so it's been more than a year that we've been feeling an impact that I think will continue as the bill moves forward.

First and foremost is around policy development and implementation. As you may or may not know, colleges put policies in place last April 1 and so we are in a good position with what's noted in the bill.

The second piece is around the education and awareness and rolling out the policy and getting people on board. We've been trying to take a very collaborative approach, so working with our local community agencies, including Kawartha Sexual Assault Centre, and working with our student governments to get the word out. It's beyond just students; it's also to employees, because the policy is broadly to everyone at the college.

We were able to tap into something that's called the Women's Campus Safety Grant, which is an MTCU fund, to fund a short-term contract. I just flag this because that allowed us to really get a jumpstart on our training and education and awareness. It's a one-time opportunity but it's a short-term opportunity and that has now finished up. But I think it's important to note that there are funding pockets or envelopes that could be enlarged or paid attention to in terms of our continuing to work in this area. So ongoing, that will be an area where we would need more funds.

The next place where we have had impact is responding to disclosures and incidents. As was not a surprise, with increased awareness we had increased disclosures. We describe this as good news, bad news—good news that they're comfortable to come forward; bad news that it's happening at all. We're seeing increases, not just under the sexual assault and sexual violence policy, but increases under current harassment and discrimination policies. It's across the board and it's quite wide-ranging. Again, a bit of good news, bad news.

The key thing here to flag is that we have, in these instances, policies and procedures to receive disclosures, case-manage them, investigate as necessary and then to address the issue. But the cases that are coming forward are more and more complex and have more nuances to them, and so we need to be really careful that the on-

campus staff has the adequate training so that they can deal with these cases appropriately. That's an area where we've been putting a lot of efforts; again, a lot of collaboration with community partners.

This rolls right into my fourth point under this, about what is the college's role. I think what I'm getting at here is we're trying to remember first and foremost that we're an educational institution but that these incidents happen within our walls, and in some cases students are living on our campuses. We're not police departments. We're not sexual assault centres. We need to work collaboratively with those people. We need to have the adequate training so that we can meet the needs of the students, but we still need to be really clear on our scope so that we're not trying to do more than we should actually be doing in terms of our role. But it's really complex, and so as this continues to move forward I think that will be a key discussion to be having about the role of the post-secondary institution as it relates to sexual assault and sexual violence.

1410

I'll switch gears and just talk broadly about recommendations and suggestions. None of these are going to come as a surprise. I've been hearing themes from other speakers. First and foremost are going to be funding and resources to support the work that needs to be done, whether that's programs, staffing or training, but recognizing what the fallout is. The more we raise awareness, the more people will feel comfortable to disclose and the more they're going to need supports. In the cases of post-secondary institutions, we often need to act, in terms of whether it's supports for the survivor or sanctions for the person who has been accused, before the police investigation is happening. There are some parallel processes that are happening at the same time in post-secondary.

I also wanted to address the reporting piece. We do have mandatory reporting built into our policies, but what we have defined the mandatory reporting as is simply that an incident occurred. If the survivor does not want to disclose their name or any details, then it's just a report that an incident happened, with no accompanying details. If it was felt that it was a public safety concern, then we would need to go back and revisit it to determine if there needed to be more action. That's how we've tried to straddle that, but I'll be really honest: It's challenging. I do think there's a bit of a dissonance between mandatory reporting and the idea of the survivor having the final say in what's going to happen. We're trying to manage that. There are also some nuances because there are some duty-to-report pieces in our violence prevention policies and our harassment/discrimination policies. Where those things intersect, I think we need to be really careful.

Lastly, on what might be considered a positive note, I would really like to put a plug in for the idea of collaboration. I've heard people talk about the hub model—and we're certainly a big proponent of that as well—drawing on our community resources and experts to try to make us a well-functioning team, as opposed to trying to do it all on our own. We want to be clear on our scope and where our expertise is, but it is important to note that

even collaboration takes resources. It does take time and energy to make those things work well.

I think those are my main speaking points. Again, thanks for the opportunity.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about seven minutes left, divided between the three parties. We start with Ms. Sattler.

Ms. Peggy Sattler: Thank you very much. I do want to recognize the work of the college sector in stepping up to the plate in developing a template policy that was endorsed by all colleges in the province.

A question I have: The legislation in Bill 132 refers to the development of regulations governing the specific elements that are to be included in the policy, the provision of training and how to publicize and promote the policies on campus. In this collaboration that you have engaged in with the ministry, is it your feeling that what Colleges Ontario has developed and what colleges like Fleming are doing will be reflected in the regulations? Do you have any concern that these regulations will not reflect what's already under way in the sector?

Ms. Kristi Kerford: If I'm understanding, what I would say is, from what I see so far, I'm feeling that it will be in line with what we're doing. But certainly, in reading the bill, there's a lot of room for interpretation, so I can't say definitively. The line where they talk about reporting numbers of incidents, for example, that's a line where it's like there's a conversation is happening but I don't know where it's going to land. It's the same when they talk about provisions for training. That's fairly broad.

Loosely speaking, I'm feeling like we are aspiring to meet those regulations, but depending on if they were to be more specific, I don't know if we would be able to.

Ms. Peggy Sattler: There was the template developed and then the colleges have customized it with input from their own stakeholders, but is there a lot of commonality in the way that colleges are approaching this? Do you consult with your counterparts at other colleges?

Ms. Kristi Kerford: Yes. It's a conversation at every provincial table right now, so there is a lot of consultation. I think what happens is that the size of an institution will often determine what resources they already have in place, say, in regard to student rights and responsibilities. Therefore, they may be in a better position to have resources to ramp up on this issue than a smaller college—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with this questioner. We go to the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here. It has been great to listen to you talk about the template and what the colleges have done, as well as talk about shared resources and working with all of your local stakeholders like the assault centre, because it is important that we collaborate.

But going along that line, we also want to talk about the requirement of Bill 132 to have a stand-alone policy. What do you see the importance of the stand-alone policy

for individual colleges to be, from your perspective with your college?

Ms. Kristi Kerford: It's a really good question. I think it did two things for Fleming College. This is just my opinion. I would say, first and foremost, it really gave a statement about the importance of the issue, because it was already embedded in a lot of other policies. It wasn't that it wasn't there and it wasn't being dealt with, but by giving it its own policy, it ups the attention and the importance that the institution and the government put behind it.

The other thing is that it gave us a vehicle to do more awareness, because with all new policies, you naturally have that awareness train that goes with it. So it then provided a vehicle.

I would say that it wasn't that the work wasn't happening, but now it's happening in a more concerted, deliberate manner.

Ms. Harinder Malhi: Thank you.

The Chair (Mr. Peter Tabuns): Any other questions? Ms. McGarry.

Mrs. Kathryn McGarry: In terms of going forward, to better refine and do some more work regarding the reporting statistics, it's one thing that I think we will be looking at to define further. I'm wondering if you or others would be willing to step forward to talk about the reporting structure and what's going to work for the universities and the campuses.

Ms. Kristi Kerford: Absolutely. I know that there is a committee which is meeting and talking about that right now. I believe it's through Colleges Ontario, but don't quote me on that. I guess, actually, you will be quoting me on that, so never mind that.

The Chair (Mr. Peter Tabuns): Yes, we will.

Ms. Kristi Kerford: But definitely, because there is kind of an array of opinions as to both what is being done and what should be done, and then what is the purpose of the data collection and the value, because that helps.

Mrs. Kathryn McGarry: Yes, and how to put it in context. I sat on the select committee. We had a number of different delegations in from colleges and universities, and we could see the value of public reporting. But out of context, what is that going to do to folks who are looking at it? You know, this university versus that one has higher reporting, but it may be—

Ms. Kristi Kerford: What's the context?

Mrs. Kathryn McGarry: Exactly. Thank you.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. We go to the official opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for coming today to speak to us. I thank you and all witnesses who have joined us today.

I always try that "don't quote me on this," and it never works in Hansard either. So you're not the first. I've been fooled by it many times.

Ms. Kristi Kerford: Yes. I've learned my lesson.

Mr. John Yakabuski: This is going to be pretty general, because you've talked about the rights and re-

sponsibilities, and you've talked about awareness and reporting.

I was in the college environment 40 years ago. I don't ever remember seeing signage posted, anything about what your rights and responsibilities are, where people can go who have been victims of sexual violence or harassment, or any of the things we're talking about here in Bill 132.

It's 40 years later, and I don't spend a lot of time on campuses—trust me—but whenever I have been for a meeting or anything, you'd be hard-pressed not to see an awful lot of information, to the extent that you are being inundated with warnings to those who think that this is a place where you can behave badly, and comforting messages to those who feel that they may have been victimized.

Here we are today, with you here before this committee, 40 years later—not you 40 years later, but in my mind—and I've got to believe that we've made some progress. I've got to believe that the student of today has grown up in an environment where, from early on, they understand that things that might have been considered to be okay at one time just are not. They never were, and now we've become more open about making it clear that they're not.

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We get to a university or a college environment, and we still have these concerns. Where have we failed? How have we failed? Beyond this bill, what do we need to do to change an attitude that seems almost—I don't want to say “impossible,” but for some people, clearly there is an absolute resistance to changing what they think is an okay way to behave themselves. Beyond this bill, and this bill is specific and I appreciate that most of the deputants today have spoken favourably about the bill—

The Chair (Mr. Peter Tabuns): Mr. Yakabuski, I'm sorry to say that you have used up your time.

Ms. Laurie Scott: What were you doing? Making a speech?

Interjections.

The Chair (Mr. Peter Tabuns): I know the committee is shocked, as am I, but indeed he has.

Mr. John Yakabuski: Send me an email.

Ms. Kristi Kerford: Okay.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today. Our next presentation—

Mr. John Yakabuski: That might have been my last chance to speak to a committee.

The Chair (Mr. Peter Tabuns): It may well have been.

ONTARIO NETWORK
OF VICTIM SERVICE PROVIDERS
VICTIM SERVICES PETERBOROUGH
AND NORTHUMBERLAND

The Chair (Mr. Peter Tabuns): The next presentation is from the Ontario Network of Victim Service

Providers, Peterborough and Northumberland: Emily Poulin. Ms. Poulin, good afternoon. You have up to 10 minutes to present. The time that is left after that will be shared amongst the parties for questions. Please introduce yourself for Hansard.

Ms. Emily Poulin: Good afternoon. Thank you for the opportunity to be here today. As was mentioned, my name is Emily Poulin and I am the executive director of Victim Services of Peterborough and Northumberland. Originally founded in 1995 as Peterborough Kawartha VCARs, we expanded in 2001 and evolved into our current form.

As front-line victim assistance providers, we primarily offer:

- 24/7 on-scene early crisis intervention and practical assistance;

- needs assessment and development of a personalized referral form or service plan;

- safety planning and court support;

- support for victims as they navigate the criminal injuries compensation process;

- referrals to counselling and relevant community and government support services, enhanced support, and follow-up.

We also support victims in our community by delivering the Victim Quick Response Program, which is funded by the victims and vulnerable persons division of the Ministry of the Attorney General. This allows us to provide timely assistance to eligible victims of the most violent crimes. The program's objectives are to provide short-term assistance to victims in the immediate aftermath of violent crimes, lessen the impact of violent crime through immediate support services to victims and increase the immediate safety of victims of violent crime, and help to prevent re-victimization.

To do this work, our professional staff team of two full-time workers is supported by a robust network of more than 30 individual trained volunteers who dedicate their time to helping those at their most vulnerable: those suffering the aftermath of a crime such as a sexual assault or domestic violence.

I am also a board member of the Ontario Network of Victim Service Providers, or ONVSP, the largest representative organization for victim service providers in Ontario. Today I am speaking on behalf of both organizations and I am proud to be here to express our strong support for Bill 132. In particular, two areas of primary importance to us are schedules 1 and 2 of the proposed act.

Schedule 1, as you know, expands access to the Criminal Injuries Compensation Board process to victims of sexual or domestic violence. This is a vitally important move that will allow for victims to engage in the process of healing and compensation for historical crimes. As a result, the ONVSP strongly supports this schedule.

Schedule 2 amends the Limitations Act to allow for victims to bring forth civil claims against their abusers at any time. This is important as historically the very nature of sexual assault or violence could and did suppress

claims to the point that limitations would then be in place. This act removes that barrier, and we welcome that change.

Other elements within the act, such as changes to the Occupational Health and Safety Act, mandatory reporting of sexual violence at post-secondary campuses, and survivor-centred supports, are positive additions that also have the strong support of the ONVSP.

That being said, while we are 100% behind this legislation, both in content and objectives, we do believe that some elements of the act will have the corresponding effect of making some elements of victim services more complex from a client perspective. For example, in cases of historical abuse or sexual assault, client needs tend to be more nuanced than in more current cases. Years of psychological pressure, suppressed hurt, pain and repression, when taken together, can and do result in individuals with more complex needs.

To properly support these types of individuals, we have found it necessary to adopt more of a case-management approach than we would use for a more recent assault. Without this added layer of support, too many people drop out of the court process before justice can come to its rightful conclusion. As a result, while we have no specific proposed revisions to this legislation, we would simply encourage the provincial government to work with stakeholders such as ourselves to make sure that victim service client offerings remain effective and fit within the spirit and intentions of this important bill.

With that, I'd like to thank you for your time and I'm happy to take any questions you might have.

The Chair (Mr. Peter Tabuns): Thank you very much. That gives us about three minutes per party. We'll start with the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you so much for being here today. What challenges do the victims your members work with currently experience and how will the changes proposed in this bill improve their experiences?

Ms. Emily Poulin: It helps, as I said, in terms of the criminal injuries compensation piece and removing the limitations to reporting. But as I've said, it's great for the victims and it also creates more work, I guess, for an organization like ours, being kind of the front end—we're located in the police detachments and so we're usually one of the first people to respond. If somebody were to come in and report a crime to the police, generally that's when we're brought in, in the immediate aftermath. We're finding that when we're dealing with these complex cases of historical abuse, it's requiring more of a case-management approach, whereas typically we're more of a short-term emotional support and referral.

We would refer to a local sexual assault centre, women's resource centres, or we would go through the QRP for longer-term supports in counselling and what not. So it's that case management piece that is becoming kind of an extra—I don't know what the right word would be, because I don't want to call it a burden, because it's not. It's just a different approach that we

have to take, and only being two front-line staff members, it makes it rather difficult.

Ms. Harinder Malhi: You talked about the Compensation for Victims of Crime Act. Now, with the limitations being removed, how do you think this will change the experience? I know you said it's going to be helpful because there's no more limitation, but how do you think it's going to make it easier for victims?

Ms. Emily Poulin: It's going to make it easier in terms of removing the barrier. Time shouldn't be a barrier for people. Everybody experiences things in their own way, everybody copes in their own way. To say, "Well, I'm sorry that this happened to you, but you only have so much time to deal with it," is not a great approach, so removing those barriers in general and allowing people to come forward and express themselves.

Ms. Harinder Malhi: Thank you.

The Chair (Mr. Peter Tabuns): I'm afraid you've used your three minutes. We'll go on to the official opposition. Ms. Scott?

Ms. Laurie Scott: I'll give you a break and I'll ask you a question here for Mr. Yakabuski. Thank you very much for appearing and thank you for the work you do in our communities.

You mentioned you only have a certain amount of staff, a lot of volunteers and a lot of paperwork. We're very happy with Bill 132 removing the time restrictions. Do you have anything that you could tell us specifically on how we can streamline the system for victims, how we can make it easier for victims that maybe—not that you've had to read all of Bill 132—we could bring forward in an amendment?

Ms. Emily Poulin: I would need some time with that—

Ms. Laurie Scott: That's okay. You can.

Ms. Emily Poulin: —so if possible, I could get back to you.

Ms. Laurie Scott: But there are ways, right? Yes, for sure you can get back to us, absolutely. We want more victim supports.

You mentioned, I think, in your remarks about budget constraints. You only have so much budget to do so many things. Can you just elaborate? Pretend we're the finance committee, say. Just elaborate what you'd like to see. How many victims—if that's easy for you—would you see per year? I know everything's different, but is there funding attached to it, a number that it usually costs?

1430

Ms. Emily Poulin: No. Our budget doesn't necessarily affect the number of victims that we will serve. We will serve people regardless. We serve anybody and everybody who comes through our doors.

It's difficult to say. I think that if you were to ask anybody in the community, any social service organization—

Ms. Laurie Scott: Yes, always more money.

Ms. Emily Poulin: —budgetary needs would be a primary concern for most people.

Ms. Laurie Scott: So if you had more budget, you could do more, which we all agree—

Ms. Emily Poulin: Absolutely.

Ms. Laurie Scott: What would be a priority, say, out of that?

Ms. Emily Poulin: For me personally, at victim services?

Ms. Laurie Scott: Yes.

Ms. Emily Poulin: A priority, if we were to see a larger budget, would be staffing, for sure.

Ms. Laurie Scott: Yes, okay. Volunteers can only do so much.

Ms. Emily Poulin: Volunteers can only do so much. Based on our standards—our standards are set by the ministry. We've been working, over the past couple of years, going through modernization, which has been challenging. But we are certainly working with a government which is open to all of these changes, so it has been very positive.

Yes, I would say that staffing would be a challenge, because with our current budget, it only allows me to have so many staff members. As a 24/7 operation, it makes it difficult.

Ms. Laurie Scott: So you do—

The Chair (Mr. Peter Tabuns): I'm sorry to say, Ms. Scott, that you are out of time.

Ms. Laurie Scott: Oh, dear.

The Chair (Mr. Peter Tabuns): Now we'll go on to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for coming here today and for your presentation. I was really interested in your comment about the complexity of needs when there are cases of historic abuse that are reported, and the different demands that that creates for agencies like yours in helping people through the process.

Some of the research that I read, when Bill 132 was first debated in the Legislature, was around the adequacy of the maximum award available through the Criminal Injuries Compensation Board—\$25,000 maximum. In cases of historic abuse, the psychological trauma may be profound, so access to a psychologist and perhaps other specialized services may be greater.

Do you have any comments or reflections on that? Should we be looking at increasing that maximum award that is available through the Criminal Injuries Compensation Board, given this new access for people who have experienced historic abuse to come forward to pursue claims?

Ms. Emily Poulin: Yes, if we're talking specifically historical cases. Again, we do provide a program, the Victim Quick Response Program, but that doesn't allow us to help victims who have been victimized before 2007. So, yes, while there are certain supports, limited supports, put into place for victims of recent assaults, you're right: Generally, it's more difficult for people to receive those supports. It's not to say that we don't have any wonderful supports in the community. Sonya was saying

that she was shocked to find that 75% of the people who walk through their doors were historical cases.

It's a difficult question for me to answer because, yes, in general, more funding is always helpful across the board, in many instances.

Ms. Peggy Sattler: Okay.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. Thank you for your presentation today.

EGALE CANADA

The Chair (Mr. Peter Tabuns): Our next presenter, then, is from Egale Canada: Kathleen Pye. Ms. Pye, you have up to 10 minutes to present. The time that's left after that will be divided amongst the parties for questions. If you would introduce yourself for Hansard; please proceed.

Ms. Kathleen Pye: Sure. Thank you all for having me here. My name is Kathleen Pye. I'm the researcher and policy analyst at Egale. Just to give you a quick overview of Egale, in case you're unaware of who we are, we're Canada's only national LGBTQ human rights charity, seeking to advance the equitable inclusion of lesbian, gay, bisexual, trans, queer and two-spirit people through research, education and community engagement. All the work that we do is grounded in anti-racist and anti-oppressive practice, which obviously is very much linked into what we're talking about today. We recognize that the production of knowledge is always intimately connected to power, privilege and oppression.

Just to speak to some of the national projects that we currently work on, we're involved in Safer and Accepting Schools, where we provide training for peers, teachers and educators across the country, as well as LGBT youth suicide prevention. We've hosted two national summits, where we brought together an interdisciplinary group of stakeholders within this issue, as well as providing expert consultation and policy review. One of the most important pieces of what we do is Egale Youth OUTreach. We work with LGBT youth who are experiencing homelessness, who, unfortunately, make up about 20% of youth who are experiencing homelessness currently. They're very much overrepresented in the population. We provide counselling, crisis shelter support, mental health support and a number of other things. Just as a statistic, 45% of the clients we see are transgender or gender variant.

One of the things that we really wanted to speak to today, in consideration of Bill 132, is to highlight the alarming prevalence of sexual violence and domestic and intimate partner violence among LGBT communities, and specifically within trans and two-spirit communities, really emphasizing the importance of including gender identity and expression as reasons individuals may be targeted in this way. We also wanted to highlight the increased risk among intersecting identities, specifically for trans women of colour as well as two-spirit women, to highlight the disproportionate ways LGBT communities are impacted by sexual violence due to systemic

oppression and discrimination. We really wanted to highlight the need for inclusivity training among first responders and helping professionals to allow for the appropriate support of individuals who are experiencing or have experienced sexual violence and domestic and intimate partner violence. We wanted to highlight the need for visibility and expanded access to support services for survivors from LGBT communities, and we wanted to really highlight the importance of ensuring that LGBT, anti-racist and anti-oppressive inclusion is within policies and procedures which speak to sexual violence, as well as domestic and intimate partner violence prevention and intervention.

Just to give you a little bit of background in terms of prevalence and when I talk about the alarming rates and how the LGBT community is disproportionately affected, we know that on campus LGBTQ students experience the most violent forms of sexual violence of anyone who is a survivor. We also know that nearly 50% of same-sex relationships involve domestic and intimate partner violence, but unfortunately, these are often forgotten about or not taken as seriously. We know that amongst individuals who experience domestic and intimate partner violence, there is a higher degree of bisexual women. We also know that men in same-sex relationships experience the same amount of domestic and intimate partner violence as heterosexual women and three times more than heterosexual men. In terms of the workplace, we know that 47% of LGB workers will experience some sort of harassment and violence as a result of their sexual orientation.

Again, to highlight the needs for specific representation of trans and two-spirit communities, we know that trans and gender-diverse populations experience more campus-based violence than anyone. We know that nearly 20% of trans and gender-diverse students will experience domestic and intimate partner violence. Unfortunately, as a result of being trans, generally they will experience more violence and discrimination within relationships and will experience more police violence when going to report. We also know that 90% of trans and gender-diverse employees will experience harassment and violence in the workplace, directly as a result of their gender identity and expression.

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When there are multiple oppressions—again, speaking to trans women of colour or two-spirit women—we know that their rates increase. For trans women of colour, for young people who are experiencing intimate partner violence, and for aboriginal women, their risk is 2.6 times higher in terms of violence within an intimate relationship.

Again, we know violence is increased when we think about different abilities. For example, men who are experiencing domestic violence and who are HIV-positive are 50% more likely to experience violence in a relationship.

Unfortunately, because of the discrimination, the stigmatization, individuals from LGBT communities

have disproportionately higher rates of violence in comparison to their heterosexual and cisgender counterparts. These experiences are motivated by intolerance, fear and hatred of a person's diversity in attraction and/or their gender identity in every social context: homes, schools, communities, religious and spiritual centres, public spaces and health institutions.

We also know that LGBT survivors are less likely to report incidents to the authorities, or access shelters and support services, than their cisgender and heterosexual counterparts. These barriers to help-seeking stem from having a lack of appropriate agencies, from stigmatization that a lot of people may experience when they go to seek support, and, really, from limited understanding of how violence affects LGBT communities.

We also know that LGBT employees are less likely to report incidents of workplace harassment and violence, due to a lack of policies and procedures, or knowledge of that, and, as a result, fear of potentially losing their job.

As a result, we have some recommendations, which I'll break down into two sections, that we feel could really help to increase individuals who come forward, in terms of being able to speak about their experiences, as well as to deal with the disproportionate rates of sexual violence and intimate partner violence among LGBT communities.

The first is capacity building, providing LGBT and ARAO—anti-racist and anti-oppressive—specific training for professionals involved in sexual violence prevention and intervention with respect to domestic and intimate partner violence, specifically around LGBT identities and needs.

To speak to this a little bit further, we know that response services under-recognize those outside of cisgender and heterosexual relationships. As a result, lesbian and bisexual women, trans women and two-spirit women are often not reporting sexual violence, or are facing discrimination and further trauma as a result of coming forward.

Homophobia, biphobia and transphobia on the part of service providers may result in a denial of access to service, victim blaming and the devaluing of legitimate violence, as well as denial of access to support services such as anti-violence programs and shelters. Such help-seeking barriers increase the risk to safety, and often make trauma worse.

Discrimination within help-seeking is even more difficult for trans survivors of sexual violence and intimate partner violence, who are often denied access to support services or are denied police support, as a result of their birth-assigned sex or perceived birth-assigned sex rather than their gender identity.

Professionals working in anti-violence efforts, including those who identify as LGB, require specialized transgender, gender-variant, two-spirit, and anti-racist and anti-oppressive training to provide sensitive care that meets individual needs and mitigates risk. Training should also be open to a spectrum of gender identity

categories beyond gender identity, such as gender-queer, gender-fluid etc.

With incidents involving intimate partner violence, mis-arrest, which is defined as mistaken arrest of the survivor and not the abusive partner, is a common reality for LGBT communities. Training that pertains to same-sex, same-gender and transgender or gender-variant intimate partner violence is required, to increase awareness of these situations and improve support for these demographics. Training related to gender identity expression and sexual orientation should be provided to all workplace administration and new employees, as well as ongoing refresher training.

We have to remember that all of these challenges are made even worse when we think about small communities and rural communities, which don't have access to various LGBT organizations or individuals who would feel comfortable speaking out.

The second piece would be increased visibility and support. To heighten the visibility of LGBT communities, specifically trans women of colour and two-spirit women—

The Chair (Mr. Peter Tabuns): Ms. Pye, I'm sorry to say you've run out of time.

Ms. Kathleen Pye: That's okay.

The Chair (Mr. Peter Tabuns): With the five minutes that are remaining, we go to the official opposition. Ms. Scott?

Ms. Laurie Scott: Thank you very much for appearing today. If you just have a couple of minutes left, I do not mind if you want to finish your presentation.

Ms. Kathleen Pye: Unless you had a specific question, I don't mind running through a bit more.

Ms. Laurie Scott: Yes, go ahead.

Ms. Kathleen Pye: Great, thank you. Just to highlight quickly: What we really need to see is increased visibility, again, of these specific populations that often get ignored but have the increased risk of violence, specifically trans women, when we talk about, again, cisnormativity, as well as trauma, mis-arrests and all of these different types of things, in addition to two-spirit women, where we need to understand colonialism. We have to understand the historic abuse that has gone on, as well as providing cultural support.

Just to move forward, what we really want to make sure of is that we have policies and procedures that really speak to these issues—again, it's one thing to have a policy; it's another thing to implement it—so to really make sure that every policy pushes forward that we need to have inclusion and diversity so that we're really representing LGBT populations properly.

The Chair (Mr. Peter Tabuns): Okay. Ms. Scott.

Ms. Laurie Scott: Okay, thank you. Is there something specific in Bill 132 that you would like to see? If you don't have the amendment right in your head, you can send it to us later.

Ms. Kathleen Pye: I think one of the things that really stands out for us is, while we talk about the issue of people being targeted for their sexuality, we really have

to add gender identity as well, because we know that sexual violence is the result of oppression and power. While the bill really speaks to people being targeted as a result of their sexuality, we know that people who are gender-diverse are often targeted even more as a result of being gender-variant. I think that piece really needs to be elevated. It really wasn't represented, and it's something that's really important, knowing how much individuals are targeted.

Ms. Laurie Scott: Thank you.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Scott. In the minutes remaining, Ms. Sattler, you can ask a question, and I'll give the government the rest of that time.

Ms. Peggy Sattler: Thank you very much for your presentation and also the great data and the references that you have provided here.

My take-away from your presentation is, in addition to definitions of sexual violence that we should look at throughout this bill to ensure that the experiences of LGBT people are reflected, my primary take-away is in the implementation of the bill and ensuring that all of the support agencies that would be involved as this bill becomes law have the training to recognize the specialized needs of this population. Is that right? Am I right in understanding your presentation that way?

Ms. Kathleen Pye: Absolutely. Again, within the bill specifically, to make mention of gender identity and expression, to ensure that that's really elevated—but absolutely. In implementation, our worry is that, as good as everything might sound, we know that cisnormativity, as well as heteronormativity, is rampant, and unfortunately, LGBT individuals get lost. It's really important that it's enforced, that anything we put forward really specifically speaks to these populations, knowing that they're more likely to experience violence than anyone else.

The Chair (Mr. Peter Tabuns): Thank you. The last question, then, goes to the government. Ms. Malhi.

Ms. Harinder Malhi: Thank you for your great presentation. I want to take an opportunity to talk to you about sexual harassment in the workplace. We all know that it has a devastating impact on survivors. The changes proposed in this bill would strengthen employers' responsibilities around sexual harassment and violence in the workplace. How do you see these changes helping survivors from the LGBTQ community who are experiencing sexual violence and harassment at work?

Ms. Kathleen Pye: I think it could very much impact survivors in that if they know that there are really strong policies and procedures that specifically make mention of different marginalized individuals, such as LGBT communities, they may feel safer. But, again, I think it still comes down to implementation, where we have to have a strong emphasis where we say, "It's not enough just to have a policy." You have to make sure that if there are inappropriate jokes in the workplace, we're actually speaking to these types of things. Making those individuals visible is going to be really important. I think

it has a really strong impact, as long as we really make sure that the implementation is appropriate.

Ms. Harinder Malhi: Thanks.

The Chair (Mr. Peter Tabuns): Thank you for your presentation today.

Ms. Kathleen Pye: Thank you.

The Chair (Mr. Peter Tabuns): Members of the committee, we will adjourn and reconvene at 9 a.m. in London on Thursday.

The committee adjourned at 1449.

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Official Report of Debates (Hansard)

Thursday 21 January 2016

Journal des débats (Hansard)

Jeudi 21 janvier 2016

Standing Committee on Social Policy

Sexual Violence
and Harassment Action Plan Act
(Supporting Survivors
and Challenging Sexual Violence
and Harassment), 2016

Comité permanent de la politique sociale

Loi de 2016 sur le Plan d'action
contre la violence
et le harcèlement sexuels
(en soutien aux survivants
et en opposition à la violence
et au harcèlement sexuels)



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Thursday 21 January 2016

Jeudi 21 janvier 2016

The committee met at 0902 in the DoubleTree by Hilton, London.

SEXUAL VIOLENCE
AND HARASSMENT ACTION PLAN ACT
(SUPPORTING SURVIVORS
AND CHALLENGING SEXUAL VIOLENCE
AND HARASSMENT), 2016

LOI DE 2016 SUR LE PLAN D'ACTION
CONTRE LA VIOLENCE
ET LE HARCÈLEMENT SEXUELS
(EN SOUTIEN AUX SURVIVANTS
ET EN OPPOSITION À LA VIOLENCE
ET AU HARCÈLEMENT SEXUELS)

Consideration of the following bill:

Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters / Projet de loi 132, Loi modifiant diverses lois en ce qui concerne la violence sexuelle, le harcèlement sexuel, la violence familiale et des questions connexes.

The Chair (Mr. Peter Tabuns): Good morning, everyone. Welcome to London. The Standing Committee on Social Policy will now come to order.

We are here to resume public hearings on Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters.

Ms. Sattler?

Ms. Peggy Sattler: Thank you very much, Chair. I wanted to welcome everyone to London. I'm delighted that the social policy committee was able to travel here.

Those of us who served on the select committee will recall witnesses talking about the expertise that resides in this community on issues about sexual violence and domestic violence, so I'm really pleased that we are here and able to get some of that expertise to inform this legislation.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Sattler. Now let's begin—oh, Ms. McGarry.

Mrs. Kathryn McGarry: I'm sorry. If I may, I just wanted to welcome everybody here. I live in Cambridge, an hour up the road, and a lot of folks who are coming today to speak are from my area, from Guelph and the surrounding southwest area.

I echo the member from London West's comments. This has been an incredible privilege, to have people come before us and talk to us about sexual violence and harassment in Ontario. So welcome, everybody, and thank you very much.

The Chair (Mr. Peter Tabuns): Thank you both.

Let's now begin with presentations. Each presenter has a 15-minute time slot. The presenter has up to 10 minutes for their presentation, and the remaining time may be used for questions from committee members.

Members, if there are more than five minutes remaining, we will divide it equally among the parties. Otherwise, we'll give it to one party in rotation.

SAULT AREA HOSPITAL

The Chair (Mr. Peter Tabuns): Our first presentation is from the Sault Area Hospital, by teleconference. I gather you're on the line.

Ms. Lisa Case: Yes.

The Chair (Mr. Peter Tabuns): Could you please introduce yourselves for Hansard, and we'll proceed from there.

Ms. Lisa Case: Good morning. Thank you for this opportunity. My name is Lisa Case. I'm the manager of our Sault Area Hospital sexual assault/partner assault care centre. I have with me Becky Chiarot, our hospital's occupational health and safety officer.

I have two points to make. One is the premise that if you build it safely, they will come, so victims will come forward. The biggest concern that I would have in relation to the work that we do with our sexual assault and partner assault care centre would be that we must ensure there are appropriate and stable resources and supports that are in place, both in urban and rural areas. This would be in relation to the other part of the action plan, of committing to stabilized funding and support, ensuring that these would be of more long-standing stability, rather than one year at a time.

The second piece that I have is more in relation to the Occupational Health and Safety Act and the related policies for colleges, universities and private colleges. How can we work as collaboratively as possible to inform the policies from a victim-empowerment stance, informed by victim choice—parallel or similar to the ability for individuals to report and seek support for those who have experienced sexual violence, with the choice of

whether or not to involve police or investigators—from a criminal justice standpoint, victims can report and seek support and have their experience documented, and they can choose themselves whether or not that goes forward to the police? In the case of policies for universities, colleges, private colleges and other organizations that are having these policies, how does the victim have a choice as to how far investigations proceed, or whether or not it's investigated? We need to ensure that the focus is on healing and support, as opposed to investigation and persecution.

That's all I have right now. I would like to pass it along to Becky Chiarot, our occupational health and safety officer.

Ms. Becky Chiarot: Good morning. Like Lisa mentioned, my name is Becky Chiarot and I'm the occupational health and safety officer here at Sault Area Hospital. I'm going to comment more specifically on the proposed amendments to the Occupational Health and Safety Act.

In reviewing those potential amendments or additions, there are two separate areas that speak about the necessity to create a mechanism to link to an external resource for reporting. Specifically, in clause 32.0.6(2)(b), it asks for us to include measures and procedures for workers to be able to report to someone other than the employer or supervisor if the employer or supervisor is the alleged harasser. Our comments in relation to this are that this would probably look different depending on the size of your organization—or does it look different depending on the size? For us, we're probably a medium- to large-size employer, so we have mechanisms where workers who are experiencing something like that could report to someone other than their immediate supervisor. However, once we get to the employer, if it was the employer, is this piece of legislation pointing to external reporting for those cases, and is it mandatory or do we just need to create an option for workers, should they not feel safe to report it internally, that they could report externally?

In section 55.3(1), the authority for Ministry of Labour inspectors to order an external investigation, what type of criteria would inspectors use to determine if a report needed to go to a third party for investigation, or is there an opportunity for employers to do that themselves?

Another question or comment: If we have workers reporting externally—and would this be a community, Ministry of Labour, or even a private organization? If we have employees reporting externally, would there be guidance around the obligation to report back to the employer? Or are we going to be getting into a situation where they might be able to report but it would be up to the victim to decide if they wanted the employer to know? Those are just some of the questions that we have in relation to that.

0910

Beyond investigating and corrective action, something that we've talked about with my colleague Lisa, here, is that once a report is filed and the investigation is done, do we have some workplace-specific supports or

something that the employer could use to facilitate healing for that worker while they continue to work with us, and create a safe environment for them to continue to heal and, hopefully, to get back to some kind of state of normal?

The last thing that I wanted to mention was a positive comment, and that was the development of the public service announcements that are circulating, the It's Never Okay campaign and Who Will You Help? campaign. I just wanted to mention how useful those PSAs have been, even for us as an employer. We've been looking for ways to integrate those into our orientation. They've got a great message, a great tagline, and I think they will be really effective for getting the message across that it's never okay. So we're very pleased with that work.

I think that's about it from us.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. We'll go to questions, then. It's about two and a half minutes per party. We start with the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for the presentation. Becky, I had a couple of questions about your presentation. It was very useful, and I hope that we can get a copy of your notes, if that's possible.

You flagged two issues that were of concern to me as well, when I first reviewed the legislation—in particular, what triggers an external investigation to be conducted. It says that the inspector may order an investigation to be conducted by an impartial third party. Did you have any advice or recommendations for us about potential amendments? Or are you just flagging the need for the regulations to spell out some of the circumstances in which an external investigation would be launched?

Ms. Becky Chiarot: I'm not sure that I have a specific recommendation. I think every situation might be very different, so it might be difficult to be prescriptive when an external investigation would have to happen. Off the top of my head, I would think if it's the CEO or a senior director of a company, those might be situations in which it may be challenging to do an impartial internal investigation, so those might be obvious situations where a third-party investigation would be a good idea for everyone involved. But beyond that, I don't necessarily have a specific idea of how that could be amended.

Ms. Peggy Sattler: The other issue you talked about is the need for supports for employers to help victims heal, once the report has been filed and the investigation is complete, and there has been a finding about the harassment that occurred. I was wondering about the need for training for employers to facilitate that process of the aftermath of an investigation—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say you're out of time.

Ms. Peggy Sattler: Oh. Is there time for an answer?

The Chair (Mr. Peter Tabuns): No. I go to Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation this morning. I know Ms. Sattler was cut off, but I was also thinking along the same lines as

she was, so I'm going to have you continue to answer questions regarding the legislation, or potential amendments to the proposed legislation regarding the reporting internally versus externally.

You had mentioned that in clause 32 particularly, you were concerned about whether the legislation is pointing to mandatory reporting internally. Do you have any suggestions on the wording on that, and any other comments regarding the reporting?

Ms. Becky Chiarot: I don't at this very time have suggestions on wording. Perhaps, if that's something I could take away, I could look at that and submit that with my notes that were requested earlier.

Mrs. Kathryn McGarry: Yes, that would be good.

Ms. Becky Chiarot: Okay.

Mrs. Kathryn McGarry: The second thing I wanted to ask is, based on your work, which element of this bill do you think will help the women who come to you most?

I'll give you a suggestion—like the It's Never Okay campaign ads or the #WhoWillYouHelp Twitter hashtag: Anything along those lines you wanted to comment on?

Ms. Becky Chiarot: We're looking at the definition; we find that helpful. Before these amendments, there wasn't a specific arrow pointing towards sexual harassment in the legislation. I'm sure we could have filed it away in there somewhere, but having that specific definition in the legislation is excellent. But also, that PSA, the "It's Never Okay" PSA, the message that comes out through there is just amazing. I think it will help women be able to identify those situations in which maybe they felt uncomfortable but weren't sure if this really was harassment or if it was just something they didn't appreciate, but really that it's not okay and there are things that we can do to deal with it. So the more prescriptive nature of Bill 132 is good in that it gives us clear guidelines on how to approach these situations.

The Chair (Mr. Peter Tabuns): With that, you're out of time.

We'll go to the next questioner, from the official opposition. Ms. Jones.

Ms. Sylvia Jones: Lisa and Becky, we appreciate you calling in this morning.

Lisa, I'm interested in the comments you started with where you made reference to victim empowerment and victim choice on whether or not to report. Are you raising that in your presentation because you can see concerns in the way the legislation is being proposed? Can you expand on your comments related to that?

Ms. Lisa Case: Yes, absolutely. Certainly when we have, say, an individual who is in a state of power, like a physician, who is allegedly sexually abusing or harassing someone, if you're part of a regulated health profession, you have an obligation to report. If it is a child and they are being harassed or assaulted or abused by a person in power, if they are at risk—certainly we have the Child and Family Services Act—there's an obligation to report.

However, for adults, we want to make sure we're not taking power away from people where, as an employer or

as a supervisor, it's, "I know what's best for you and this is how we will proceed," as opposed to, "What do you need? How can we help?"

Giving back that power that perhaps has been taken away in a situation of harassment or any form of sexual violence—how do we make sure our policies are about empowerment and choice, that, "These are your options," allowing the individual, perhaps, to make the most informed choice, so not prescriptive in nature? I think they have to have enough prescription or teeth, per se, to have organizations take them seriously and have policies in place, but we want to make sure that we're not taking the rights away from the individuals who have actually had the experience. I think it is a fine line.

I know our health and safety officers—Becky has taken it very seriously. We have a workplace violence committee that has met for many, many years. It has a rep from our Sexual Assault Care Centre on it, informing that throughout, ensuring that all of our policies related to safety, but particularly violence, are victim-informed—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time.

Ms. Sylvia Jones: Thank you.

Ms. Lisa Case: Okay, I appreciate that.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation this morning.

0920

UNITED WAY LONDON AND MIDDLESEX

The Chair (Mr. Peter Tabuns): We go on to our next presenters, United Way London and Middlesex. Ms. Bartlett? As you have heard, you have up to 10 minutes to present. We'll go from there to questions. If you would introduce yourself for Hansard. Thank you.

Ms. Dani Bartlett: My name is Dani Bartlett. I am presently the labour and service coordinator at United Way London and Middlesex. As part of my role, I facilitate the Labour Community Advocate Training Program. The program provides information about social issues faced by working people and the resources available in the community. Participants are trained in communication and interviewing skills, as well as referral techniques so they can assist union members to find appropriate resources. The program also allows participants to explore the ways in which unions and other labour bodies can build resilient and respectful communities.

Labour community advocates listen and provide a resource where union members can safely and confidentially discuss a problem they are facing and figure out how to proceed. They make referrals to appropriate community services. They act as a link or bridge for union members. Labour community advocates follow up to ensure that referrals were appropriate, that services meet the member's needs and that support systems are in place once the member returns to his or her job.

Before this role I was a Unifor women's advocate. As a women's advocate, I was a specially trained workplace

representative who assisted women with concerns such as workplace harassment, intimate violence and abuse. I wasn't a counsellor but a safe place to land when times were tough, when a woman was in crisis and needed someone to listen, understand and to have the tools to help them find the proper supports that were needed.

One of the reasons I came to present today was because of how important I feel this bill and bills such as Bill 168 are to the work the advocates do. At the same time as I applaud the changed language and appreciate the changes that adding this language around sexual violence will cause, I'd like to express the frustration I have around the existing laws, language and protections with Bill 168 and what I feel will happen with the language. To be frank, what we are seeing in our workplaces is that the provisions are being ignored. The language and provisions are not well understood and the organizations I work with just don't have a clear understanding of what is required and expected of them.

This new language does add a few more protections and adding language around harassment is a good start, but my real concern lies with training, investigations and how these new rules and, quite honestly, the existing rules will be enforced.

Currently, we have an Occupational Health and Safety Act in which those who enforce the rules only have the power to check and see if employers have a policy to address violence and harassment. Inspectors have no real power or authority and quite truly not the training to look at how effective the policy is. Does the policy protect all of the workers? Will it make everyone safer? And is the policy actually doable?

Too often, workplaces are putting together policies that sound great but are truly not functional. Often, when investigating cases, workplaces and unions have no real, clear understanding if they are making the right choices, and many are waiting to see what happens at arbitration to see if the answers they came up with were right.

We have not seen a change in the amount of workers complaining about sexual harassment or domestic violence since Bill 168 and the already-existing provisions to the Ontario Human Rights Code, so it is my sincere hope that you make sure there are enough teeth to this bill to ensure change, or it is truly just more well-intentioned words on paper.

It seems to me that what is great in the wording for the colleges, universities and trades piece and missing from the occupational amendments is obligation and penalty. In 2004, the Criminal Code of Canada was amended in response to the Westray mine disaster, adding criminal liability to the Criminal Code, but it wasn't until this year, almost 12 years later, that anybody will serve any time for killing a worker. I truly hope it won't take 12 years for these amendments to have significant impact.

This new bill does set out that employers must investigate both complaints and incidents, which I hope means that if they are aware of incidents, even if there is no complaint, they are obligated to investigate. It also sets out how those involved are informed of the results of

the investigations and corrective actions, and that they must review the policy once a year.

This brings me to my other major concern and where I hope this committee will see a need for more change: It's training. It is important to train everyone doing the investigation not only on how and when to do an investigation but on sexual harassment and violence. I can appreciate why these bills fall under the health and safety act, but health and safety is black and white, right and wrong. Violence against women and sexual harassment isn't always black and white; truly, it very rarely is.

The centre for research on violence against women and children in London and the Canadian Labour Congress have done amazing work. They have tool kits and training about workplace violence, and investigations and harassment. But this is not a 20-minute training course. It's not easy to understand, and to have best practices to investigate these cases with some modest bit of empathy, compassion and knowledge, it's going to take more comprehensive training.

There is also a need to be clear on how the workforce is trained about their policies. There is real opportunity here to make real change in the way Canadians think about domestic violence and sexual harassment if we have some clear obligations on training and workplace policies.

A four-question questionnaire online on a watered-down PSA won't cut it, especially when normally the first question on this four-question questionnaire is, "Did you watch the video?" We need to take a page from Neighbours, Friends and Families and talk about real solutions and steps to ending and dealing with violence and harassment.

While we are talking about training, let's talk about the inspectors. I sincerely hope it is understood that the Ministry of Labour will need to hire more inspectors to deal with these new provisions. These inspectors will need comprehensive training around domestic violence and sexual harassment. Like I said before, the issue is not black and white but unique to each person and each incident, so the training must include all aspects of domestic violence so inspectors can have true understanding of the issue.

One of the most exciting proposed changes is the ability for these inspectors to order an impartial third party to come in and do the investigation, which is an approach that most unions have taken for a long time, with much success. We often use a trained women's advocate from one workplace to do an investigation or advocate work in another. This allows the advocate to be impartial and helps protect all workers from the backlash and helps control the rumour mill. I just wish that it was clearer on what will trigger this third-party investigation and, again, how the third party will be chosen and the training they will have.

Another concern I have is that there seems to be no clear obligation for an employer to protect all workers from sexual harassment and domestic violence, no real set-out consequences if an employer does not comply

with the changes, and no right-to-refuse-work language if the workers are exposed to harassment or domestic violence.

Also, I would like to see a clear indication of how joint health and safety committees will address these issues and, again, to see that these committees receive proper training on the issue. I believe it is absolutely necessary that the employers be required to consult with the joint committees when they are developing the harassment policies, and should be required to include the joint committee in investigations and to report incidents to committee. This is the only way to ensure that all preventive action is taken and exposure is monitored and minimized. This is also a way to ensure that there are no reprisals or discipline for making a complaint.

Another issue that I feel is clearly missing from the bill, and Bill 168, is talking about the abusers. I think there is a real opportunity, and one we miss, time and time again, to engage the abusers. We as advocates, EAP reps, and health and safety reps often come in contact with these individuals. We often have multiple opportunities to engage and offer help, many times before critical incidents occur. During my work as a women's advocate, I could often clearly see signs that those I was working with were in distress, and signs that they were in different levels of need or assistance. We don't often take the time to address this, and often, as a women's advocate, we feel we must focus on the victim's needs. I truly feel this is a missed opportunity and feel that with this bill we have a chance to add language to require that those persons who perpetrate violence or sexual harassment seek help in programs like Changing Ways and other partner assault response programs.

One of the first cases I investigated as a women's advocate involved a male worker who was not performing well at work—absences, temper, mood swings and a huge change in attitude. When I spent the time to talk to him, he expressed having trouble at home with his wife and kids. What really came out was a sense of self-loathing and remorse. Although he never admitted at that time that violence had occurred, he expressed the feeling of loss of control at both home and work, and talked about the abuse he lived through as a child. I recommended that he check out a support group we have in London called Changing Ways, and he ended up voluntarily going through the program.

For this guy, it changed not only his life but his family's. We later discussed that he had hurt his wife, and that he knew his children were suffering for it. He now talks about his abusive behaviour and his belief he had at the time that it was his right to control his wife however he wanted to. This guy now talks to other men about the belief, and speaks up when he feels others' behaviour is not right.

I truly feel that we need to talk to workers about domestic violence and harassment and have options and solutions for both those that may be experiencing it and also for those who are perpetrating it.

Again, I want to thank this committee for the work they have done, but ask that you consider my concerns.

To make real change, we need a bill that requires workplaces to have a clear policy on sexual harassment that includes obligations and consequences; that there is progressive and comprehensive training for everyone, from the workers to the inspectors; and that we add language that requires the abusers to be required and assisted in obtaining help.

0930

The Chair (Mr. Peter Tabuns): Thank you, Ms. Bartlett. We have less than five minutes. We go to the government. They have the time remaining. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you very much, Dani, for your presentation. You've got a ton of suggestions here—or I think you have suggestions.

The first thing I wanted to talk about was training. You talked about increased training, not only about when the investigator might have to go in and investigate an incident. I'm just wondering if you had suggestions on wording or amendments that might make that part of the bill stronger.

Ms. Dani Bartlett: I think that the real point of training is to talk about domestic violence. There was a concern on the phone that people's rights could get done in these investigations, but if a workplace talks about domestic violence as part of their regular health and safety training, that onus comes off the table. It's not only being talked about when there's an incident, which becomes: Everybody knows about the incident. When you talk about domestic violence and sexual harassment all the time and it becomes a normal place to talk about it, then people begin to feel safe to bring their concerns and stuff. So I think the training has to be all the time, it has to be mandatory, and it has to be part of what we're training when we're training health and safety.

Mrs. Kathryn McGarry: I get that. I think that you made the case for the training aspect very clear—that you'd like to see, perhaps, a more robust training program. If you were able to write it, what kind of suggestions would you put into a program of training—not only to investigate but to be able to step in earlier when there are signs of risky behaviour?

Ms. Dani Bartlett: These programs are already written. Like I said, the centre for research here in London has done amazing work. If people understand what the signs are, if people understand that most workers don't come to work one day a really nice person and the next day really stressed out and that these are signs that something else is seriously wrong, and that we look at this with empathy as opposed to, "This worker is no longer performing," we can make change. So I would think that in the training, you need the signs and you need to have these steps so that we can be empathetic with each other and understanding. Our moods don't change like that; there's always a reason why.

Mrs. Kathryn McGarry: When it comes to training, which individuals would you target in a workplace to have this specific training?

Ms. Dani Bartlett: I think you should train everybody—literally everyone—and have each training

go from basic training to more comprehensive for those people who are dealing with the victims so that they have some kind of real empathy and real ability to listen and help.

Mrs. Kathryn McGarry: I think that this is part of what we are bringing forward. A lot of the work that the government has been doing related to sexual violence and harassment in Ontario is really trying to change some of the thinking in Ontario and having everybody step up to the plate in order to address this pervasive issue.

You were also talking about how the proposed legislation may be unclear about who or how triggering a third-party investigation was going to go. Can you elaborate on your suggestions there?

Ms. Dani Bartlett: First of all, I think that third-party investigations are really, really important. I think that if you're doing an investigation into both of the individuals, the perpetrator and the victim, in the workplace, a third party should always be brought in. It's really hard to take emotion out of an investigation. It's easier when somebody doesn't know and doesn't already have those preconceived ideas. So I think a third-party investigation is really important.

If you can have a health and safety committee where you have more than one person doing the investigation, that's also helpful. When that's not the case, I think a third party—somebody who's trained to be comprehensive, who understands how you need to not make the situation worse and that after you leave an investigation, you're not leaving a situation that's more dangerous for all of those people involved.

Mrs. Kathryn McGarry: What part of the bill do you think has the greatest impact for survivors of sexual violence?

Ms. Dani Bartlett: I think that just the fact that we're talking about it has the greatest impact.

Mrs. Kathryn McGarry: Thank you. I also thought that your comments about putting some of the training into the orientation package was an excellent suggestion. Can you elaborate further on that?

Ms. Dani Bartlett: I just think that the training should be with every other training. When you do your WHMIS, when you do all of the training, health and safety, we should be talking about sexual harassment and domestic violence so that people know it's unacceptable and so that they know that there are protections in place and there's someplace to go. The more we talk about it, the less people will think it's a dirty little secret.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time. Thank you very much for your presentation.

LONDON ABUSED WOMEN'S CENTRE

The Chair (Mr. Peter Tabuns): Our next presenter, then, is London Abused Women's Centre: Megan Walker. Ms. Walker, as you've heard, you have up to 10 minutes to present. That will be followed by questions. If you would introduce yourself for Hansard.

Ms. Megan Walker: Thank you so much. My name is Megan Walker and I'm the executive director of the London Abused Women's Centre. I am here today representing the agency.

We believe that, overall, the act is largely terrific, and we do support it. We would suggest to you today five recommendations that we believe will strengthen it.

The first one would be that, consistent with the statement in the preamble that the government will not tolerate sexual violence, sexual harassment or domestic violence, we would propose that the definition of "sexual violence" throughout the bill be amended by adding to the end of it: "Sexual violence is a tactic of abuse in intimate relationships and is used by abusive men to gain and maintain power and control over a woman."

We do find that what is missing throughout the document is the terminology of domestic violence, what it means and the impact on women who are with intimate partners.

I would also suggest to you a second recommendation, which is that schedule 3 of the bill be amended to include the education act—Bill 52—or any other relevant act which would recognize the prevalence of sexual violence occurring in girls under the age of 18. We think it's too limiting to just focus on post-secondary education. In fact, in 2007 the agency did a needs assessment with young girls between the ages of 12 and 15. At that time, we found that 19% of adolescent girls reported being assaulted by someone they were "going out" with, and 24% reported being sexually assaulted by someone they were "hanging out or hooking up" with. We feel that the bill is really missing the boat with respect to reaching out to these young girls.

Recommendation number 3 is that the province explore and review the success of groundbreaking work that already exists with respect to training—things like the city of London's I Step Forward program, which works to end violence and abuse in the workplace, in the community and in their homes. What it does is create champions for peace, and it has been a very effective program with respect to training—about 2,200 individuals have been trained so far—and also with respect to early referrals of women and men: men who are being abusive being referred to Changing Ways, our local PAR program, and also women being referred to local agencies that are working to end men's violence against women and provide counselling.

Our fourth recommendation would be with respect to investing the resources necessary to address the court system. Currently, if a woman chooses to go to the police and lay a sexual assault complaint, and if a charge is laid, by the time that complaint makes its way through the courts, it could be up to three years. In three years, many of these women have moved on in their lives and are not willing to go back to that time in their lives. I think this is a huge issue which is preventing many, many women from reporting the sexual violence they are facing.

Finally, I would like to recommend that the province of Ontario immediately follow through on its unanimous

endorsement of Laurie Scott's proposal to establish a human trafficking task force. We know that the 400-series corridor is a major hub for transporting women and girls across this province, from Windsor all the way up through to northern Ontario. London was once a destination that women were trafficked to; it is now a destination where women are being recruited from. We are meeting on a regular basis with parents who have lost their children, some as young as 13 years old.

The Chair (Mr. Peter Tabuns): Thank you for your presentation. We'll start the rotation with the official opposition. Ms. Scott?

Ms. Laurie Scott: Thank you very much for appearing here today, and certainly for endorsing my motion for establishing a human trafficking task force.

0940

London certainly, probably predominantly because of its access to the 401, has been a hub for human trafficking. What you have experienced delivering services for victims—I wonder if you could elaborate. You mentioned the court times, but could you elaborate a little bit more, specifically on the human trafficking aspect, on what's missing in the victim services delivery?

Ms. Megan Walker: One of the things that we're finding is that most women being trafficked are not being trafficked by organized crime but in fact by boyfriends—they call them "Romeo pimps" or "lover boy pimps"—and so by the time parents realize what's going on, they've actually lost their kids to other cities. There are no real programs to allow parents to understand what's going on in their lives and how they could potentially reintegrate their daughter or son back into their families. We have now provided, as of last week, 42 parents and family members with support services to help them stay involved in searching for their daughters. We know that there are a lot of difficulties because when we do report to the police, oftentimes those girls and young women will say they're there by choice. In fact, the police don't believe that; they believe there is a pimp and that that girl is just one of many girls that pimp is prostituting or trafficking across the province.

There needs to be a lot better education with respect to interviewing these girls and supporting these girls and, quite frankly, what is human trafficking and sex trafficking. We've proposed many times, although we don't have a budget for it, that somebody go across the province or across the country and actually do PSAs around what to look for in an intimate relationship, for girls and young women, to determine if it's a safe relationship or not.

Ms. Laurie Scott: How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): You have 45 seconds.

Ms. Laurie Scott: Okay. Definitely the training of front-line—and I know that the police are doing the best they can but there aren't enough resources to train them for the human trafficking. Certainly, the victim services are very specialized in regard to the human trafficking survivors, if we can rescue them—and the thought that

they do have a safety net to go to and can exit the trade. I wanted to thank you for your advocacy on that.

I don't know if you wanted to add anything more on the training. Certainly, we found that a provincial network needs to be established.

Ms. Megan Walker: Yes, there needs to be some consistent understanding of what sex trafficking is, and I think there needs to be an understanding that—

The Chair (Mr. Peter Tabuns): I'm sorry, but you're out of time with this question.

I'll go to the next questioner. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for coming today and for your presentation.

I wanted to ask you specifically about your second recommendation that schedule 3, which deals with the Ministry of Training, Colleges and Universities Act, also include an amendment to the education act. Is it your thought that the amendment to the education act should parallel what's currently in here—requiring individual schools or school boards to have sexual violence policies that would be comparable to what post-secondary institutions are required to have?

Ms. Megan Walker: That's right. That's exactly what we're proposing, and we're proposing that it be implemented in elementary and secondary schools, both in the public and separate schools.

Ms. Peggy Sattler: So it would be school boards as well as independent schools?

Ms. Megan Walker: That's right.

Ms. Peggy Sattler: So a whole new schedule that would—okay. I've got it.

Ms. Megan Walker: I'm not sure why the decision was made to start at post-secondary school when what we really want to do is shift the culture for future generations and get the information into the schools at a very young age. If there is no actual legislation that pushes for school boards to do that, it's done on a voluntary basis, and I would suggest, given resources, that it's not given high priority.

Ms. Peggy Sattler: The other question is about the I Step Forward training. I'm curious to know about the evaluation. It has been in place since 2010, so that's five years. Is there some data about prior to the training and subsequent to the training, about reporting or incidents of harassment within that workplace?

Ms. Megan Walker: I'm sure the city of London, if you contacted them, could provide you with their actual evaluation, but what we know is that prior to I Step Forward being launched, there were numerous complaints of sexual harassment in the workplace throughout the corporation of the city of London.

The London Coordinating Committee to End Woman Abuse came together and collaborated in the development of the I Step Forward program. It's very gender-neutral, at the request of the city of London, but does highlight that women are more at risk of being harassed than men.

What it does is really allow individuals who are working for the city of London to not only focus on what's

going on in the workplace, but also in homes and communities. Garbage collectors, for instance: If they're noticing something in a home—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time—again.

We go to the government party. Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here today. I just wanted to ask—

The Chair (Mr. Peter Tabuns): The microphone. We can't hear you very well.

Ms. Harinder Malhi: Sorry. I wanted to ask you a little bit more about the program as well. If you could just give us a little more detail on the I Step Forward program and how it runs.

Ms. Megan Walker: This is a program that fundamentally tries to create what we call champions for peace, men and women who are committed to ending violence in all of its forms. It's an extensive training program that every employee—whether they be a part-time person at an arena or the chief executive officer, and all city councillors, they all receive it.

What it does is it outlines what to look for, how to ask questions. It states very clearly that we don't expect employees to become social workers but to know where the referral sites are. The city of London has taken its staff members through tours of various agencies, so they know how to talk about the agencies they'll be referring individuals to. As Dani Bartlett indicated earlier, it does involve extensive training. We're not talking about a half-hour, one-hour training program; this is extensive training, and it's required and it's making a difference.

We know that at our agency alone, the number of referrals we are receiving has increased significantly since they started the program. It used to be that we'd be receiving referrals directly from the human resources department; we're now receiving referrals directly from the employees.

Ms. Harinder Malhi: And when you're receiving these referrals, where are they being geared and where are they going to? How are they being dealt with?

Ms. Megan Walker: We do work with women who are being harassed in the workplace. I guess you'd call it—we provide navigation services, so we try to help women decide where they want to go.

We had a call the other day from somebody in the outdoor services, the outdoor workers' union, who noticed something that was happening on a front lawn as he was driving by, with respect to a woman in her nightgown in the cold. He called the police and then also called us. It's in and out of the workplace.

Really, I think when you talk about champions of peace, that's what we're talking about: We're talking about champions to end men's violence against women. Already, we know that we have 2,200 at the city of London.

Ms. Harinder Malhi: Thank you.

The Chair (Mr. Peter Tabuns): Okay. Mrs. McGarry, you have 30 seconds.

Mrs. Kathryn McGarry: Thirty seconds? Just a quick comment regarding investigations done by the court system: Do you think the limitation changes that we've talked about in here—the statute of limitations—is going to benefit, removing that two-year limitation?

Ms. Megan Walker: Well, I think it is going to benefit, but the reality is that if a woman comes forward in 10 years and it's still going to take her three years to get through the process, it's not benefiting her. The courts really need to be examined and resourced appropriately so that any woman who reports to the police can have her case addressed immediately through the courts.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Peter Tabuns): I thank you for that.

Ms. Megan Walker: Thank you so much, and again, we do largely support this and we think it's really necessary.

The Chair (Mr. Peter Tabuns): Thank you.

SOCIETY OF GRADUATE STUDENTS AT WESTERN UNIVERSITY

The Chair (Mr. Peter Tabuns): The next presentation, then: the Society of Graduate Students of the University of Western Ontario. As you've heard, you have up to 10 minutes to present. That will be followed by questions. If you'd introduce yourselves for Hansard and start in.

Ms. Kirstyn Seanor: Hello. Here we have Tamara Hinan, the president of the Society of Graduate Students; I'm Kirstyn Seanor, the vice-president, external affairs and communication, for the society; and Taniya Nagpal, our women's concerns commissioner.

0950

The Society of Graduate Students is a student union comprised of full- and part-time graduate students at Western University. We are a democratic body representing about 5,000 graduate students spanning 65 departments. Concerns regarding sexual violence and campus safety were part of the motivation in creating a women's concerns commissioner role as recently as 2015. Our purpose, broadly speaking, is to advocate and represent graduate student issues, and it is this purpose that motivates our attendance here today.

Ms. Taniya Nagpal: We'd first like to share the work being done currently at Western. As a result of this policy, SOGS has had student representation on the Sexual Violence Prevention and Education Committee. For the first time at graduate student orientation, which welcomes over 800 students every year, a student and the vice-provost of graduate studies together presented Western's commitment to campus safety, including prevention of sexual violence. Educational events, such as a campus-wide consent and compassion forum, were hosted at Western, focused on establishing a consent culture on our campus. It was powered and implemented by students and staff working together. The conversation and work to improve our campus to ensure that sexual violence is prevented—and students reporting or in need

of support—is a conversation that is ongoing and is highly prioritized.

We now would like to make three recommendations.

Ms. Tamara Hinan: The first recommendation is developing the language to be more inclusive. The language of the act, specifically as outlined in section 3, focuses on protecting students who are currently enrolled. We argue that this language needs to be expanded to include anyone working at or reporting to the campus more generally. Campus communities include a wide variety of people who are integral to the community yet not enrolled as students, from contract workers to visiting lecturers to students on leaves of absence. Our concern is that focusing this act explicitly on enrolled students will unnecessarily complicate reporting procedures. The fact that calling 911 while on campus will connect you to campus police suggests to us that the current infrastructure supports a campus-specific reporting strategy that supports anyone reporting sexual violence while on campus, regardless of the specifics of their student status.

Notably, graduate students often find it particularly challenging to navigate the campus environment, as we are often employees as well as students. We are not unique in this situation, but this does disproportionately affect graduate students in light of how our funding is often tied to teaching or research assistant contracts. This presents challenges in handling graduate student experiences, which ought to be considered while developing sexual violence policy. If a graduate student is harassed by one of their students while performing their teaching assistant duties, will the university respond according to the student policy or to employment standards?

A similar but distinct concern is when students access university services while not enrolled. We often hear from graduate students who are on parental leave, medical leave or who have temporarily withdrawn from studies due to financial or mental health concerns, but will still visit the library, their supervisor, or student health services. These students might be overlooked in policy development despite how they are accessing student services.

We are concerned that limiting the act to enrolled students is too ambiguous to adequately address the graduate student experience. When colleges and universities are developing their sexual violence policies, we consider it imperative that they bear in mind the wider campus environment.

Ms. Kirstyn Seanor: Our second recommendation is to include a requirement for a climate survey. Regarding section 7, requiring provision of information for the minister, we encourage a specific requirement that the colleges and universities be required to complete a broader climate survey which would survey students about their experiences and perceptions around sexual violence through their college or university experience.

Statistics will only ever reflect part of the picture. This is particularly true for sexual violence, which is frequently under-reported. Some estimates suggest that as few as one out of 10 sexual assaults are reported to police. We

are further concerned that the schools with the best policies might be painted the worst through reported statistics, specifically as incidents handled by both counselling services and police might get double-counted and schools with effective policies may lead to an increase in reporting. A climate survey requirement would ensure that the details and lived experience of sexual violence are adequately described so that campuses can better develop and refine their policies accordingly.

Ms. Taniya Nagpal: Finally, currently the bill states, under “Student input,” “A college or university described in subsection (2) shall ensure that student input is considered...” We recommend changing the term “considered” to “included.” “Considered” implies option, whereas it is of extreme importance to ensure that student input is certainly included in the development and dissemination of this policy.

As mentioned by my colleagues, student input is necessary to ensure that students are given the supports they need in any instance of sexual violence on campus. By having students included, the university will be better informed of what areas on campus are lacking in regard to supporting students who have experienced sexual violence, regardless of whether they would like crisis support, or in reporting an incident, and how the campus community can improve to prevent sexual violence and develop a consent culture. Students can best suggest how the campus environment can improve to increase accessibility to support services, and students are the ones that can ensure that this policy is being upheld and put into action.

Because Western has included students, we have had student representation on important committees related to sexual violence prevention and education by both undergraduate and graduate students. Students are at the forefront of planning and executing prevention events such as the mentioned consent and compassion forum, and students are empowered to express what changes they would like to see and are involved in making those changes happen. The term “included” will ensure that this is maintained and is across all campuses.

We believe that this policy has strengthened Western University. With the added recommendations, the safety of all members of our campus community will be improved. As graduate students, we are proud to attend an institution that puts our safety at the highest priority. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. That leaves us with two and a half minutes per party. We start with the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for that presentation. That was very useful.

I have a couple of questions. You mentioned the status of grad students as often both employees and students, and the potential that both employment standards or, I guess, union collective agreements may apply as well as the sexual violence policies. Is it your recommendation that the sexual violence policy should take precedence over any other provisions?

Ms. Kirstyn Seanor: Not necessarily precedence, but rather it should be predictable, to anyone reporting, what they can expect the response to be. Our concern would be that if there's any ambiguity, or if the policy is developed without considering these complications, it will further complicate the reporting procedure in ways that might disadvantage reporters.

Ms. Peggy Sattler: I have another question, about the climate survey. This was something we heard in Peterborough from some other post-secondary institutions. Are you envisioning this climate survey as something that would be conducted annually or every two years or on a cyclical basis? Also, are you envisioning that it would be every single post-secondary student in the province, or would it be a sample of post-secondary students at each institution? Do you have any more detail about what you see for this climate survey?

Ms. Taniya Nagpal: We do see it being annual, just like the policy says that they would like statistics provided. The purpose of the climate survey is not to replace receiving statistics from other services but to be in addition to that.

Ms. Peggy Sattler: In addition—okay.

Ms. Taniya Nagpal: The purpose of this, as mentioned by Kirstyn, is the fact that we want to get more accurate representation, especially as we know, statistically, that not many people do report incidents of sexual violence, so this will allow them, hopefully, to get those responses as well.

In terms of disseminating the survey, it would be across all post-secondary institutions and not a sample of students but rather the entire campus.

Ms. Peggy Sattler: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you. We go to the government. Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here today. Over the last few days, and being on the select committee—

The Chair (Mr. Peter Tabuns): Ms. Malhi, could you move your microphone closer?

Ms. Harinder Malhi: Sorry. I'll move the mike. There we go.

The Chair (Mr. Peter Tabuns): Thank you.

Ms. Harinder Malhi: We've really had an opportunity to hear from a lot of student unions. My colleague and I, and actually a few of us, were on the select committee here. That was another opportunity that we had to hear from students.

When we did hear from the students, every university or every college did have different requirements and different sorts of things happening. We thought it was important that everybody have a stand-alone policy so they can develop it to the needs of their specific school community. Would you agree with this, and why would you think it's important that they do develop a stand-alone policy?

Ms. Taniya Nagpal: For exactly the reasons that you said: Campuses are unique. We understand that, so it's important for each university to have their stand-alone

policy, according to the needs of their campus community.

There are, of course, similarities across campuses; for example, the fact that graduate students across universities serve as both employees and as students. At the same time, we understand that some campuses are larger and some are smaller. There are differences even in security services. Some campuses have campus police; others have security. So in that respect, it's important to have a stand-alone policy which can also include—Kirstyn has mentioned that it should be predictable, so you should know, according to what campus you're on, what to expect, based on the policy that you have.

Ms. Harinder Malhi: Okay. Thank you.

The Chair (Mr. Peter Tabuns): Ms. McGarry. 1000

Mrs. Kathryn McGarry: Another quick question: I know I've asked this before, but do you find that the current ads that the government has been running—the It's Never Okay ads as well as the #WhoWillYouHelp Twitter hashtag—is that helpful in your orientation to your students or in your student population?

Ms. Taniya Nagpal: Yes. We were discussing the use of the It's Never Okay ad, the one where it has employees in different situations. The purpose of that, especially for graduate students, was helpful because it depicted people in different situations on campus. Sometimes you're fulfilling the role of a student, a TA, an RA, the relationship with your supervisor or the administrative staff, so in that respect, we do believe those are helpful. And of course, the more you see the messaging, the more it becomes the norm.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the opposition. Ms. Jones?

Ms. Sylvia Jones: Thank you for appearing. I wanted to follow up on your first recommended suggestion. It referenced complaint and action: Is it going to be based on student policy or employment legislation? I think you started to touch on it with your last comment. I'm interested in hearing more on that because, as you've already highlighted, it's very challenging to ignore the employment legislation even though in some cases a graduate student is offering as both a student and an employee. Can you help us square that circle? Because it will be a challenging legislative hurdle for us to deal with.

Ms. Kirstyn Seanor: Following up on previous comments, I'd emphasize that considering this act, obviously, only places a requirement throughout the language and considering we do support the idea that every school should develop their own policy, I think even just mentioning or making it explicit that this is not only for enrolled students will encourage those who are developing these policies to consider the multitude of people on their campuses, up to and including employees who are also students. I think making that expectation clearer will help policy developers to take that into account. So even if those policies included a note of "these people, when reporting, will be provided the services as outlined in the

collective agreements”—just making that explicit so that policy developers and those who are applying the policy know how to react to different cases, and so that people reporting know what to expect. I hope that clarifies it.

Ms. Sylvia Jones: Is it reasonable to assume that someone who is at a place where they're just beginning the process of reporting is going to have to check a box that says, "I'm reporting as an employee; I'm reporting as a student"? Or do we look back at a previous recommendation that came out of the Soo, where it talked about making sure that any action going forward is victim-centred and victim-endorsed?

Ms. Kirstyn Seanor: I believe we'd all agree that the second approach, focusing on the victim-centred—our concern regarding reporting wouldn't so much be how it's reported when checking a box but, rather, the various places where people might report the issues. For example, we have our TA union established on campus. If someone is reporting to that office and those people are TAs who are also trained through the university, through orientations and training sessions, we would want their response to be comparable and adequate, just as anyone—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time. Thank you for your presentation today.

Ms. Taniya Nagpal: Thank you.

UNIVERSITY OF GUELPH

The Chair (Mr. Peter Tabuns): Our next presenter, then: University of Guelph. As you have heard, you have up to 10 minutes to present. That will be followed by questions. If you'd have a seat and introduce yourselves for Hansard, please begin.

Ms. Robin Begin: I'm Robin Begin. I'm the manager of students at risk, a new position. For the past 26 years I've been with the campus police, the last 10 as the director.

Ms. Melanie Bowman: Good morning. I'm Melanie Bowman. I'm the manager of wellness education, also representing the University of Guelph sexual assault advisory committee.

Ms. Brittany Vanword: My name is Brittany Vanword and I am a student rep from the University of Guelph sexual assault advisory committee.

The Chair (Mr. Peter Tabuns): Thank you.

Ms. Brittany Vanword: First, I'm pleased to see the profile of sexual assault being addressed at the provincial level. We are all supportive of the bill coming forward and raising awareness around the issue of sexual violence.

As a student, I can say that students want a protocol that allows us to report to any door, and by that I mean that we should open as many doors as possible for reporting. I am also pleased that at the University of Guelph there has been significant student representation on both the advisory committee and all subcommittees. Not only that, but at these committees we have been em-

powered to have honest conversations about the services in our community and we work together to identify any gaps.

I am also a student lead on the SAFE team at the University of Guelph, and that stands for the Sexual Assault Free Environments team. Our goal is to educate and raise the awareness of students and everyone on campus regarding issues of sexual violence, consent and healthy relationships. How we do this is through ongoing programming. I'm also fortunate enough to say that our group has had wonderful support from our community and university administration.

Lastly, I just want to say that as a student, I appreciate that our university policy is not just focused on students, but also addresses sexual violence for our whole community, including students, staff and faculty.

Ms. Robin Begin: One concern is the potential complexity of a reporting structure. And there are concerns because the legislation is only focused on students. What happens if the student is a residence life staff member and a student, so a student employee? We heard earlier that you could have a grad student who is a student and an employee. What happens if it happens off campus versus on campus, or if it is at a university event off campus? There is a concern that these kinds of reports can become complicated, depending on the circumstances.

Although parents and students ask about the numbers of sexual assaults on campus, what they really want to know is what will happen to their son or daughter if they are a survivor. Does the university have processes and resources to support their student in a survivor-centric approach? Are our front-line responders trained to support students?

We need to open many doors on and off campus for students to report sexual violence, and we as a community need to support the decisions that the students make. We are concerned that if the focus is on reporting numbers, it will put up barriers for students to come forward. Students will be concerned about their confidentiality, about who will see the report. Will people be able to identify them as the survivor or the accused, and will the survivor be forced to make a formal report?

For example, when campus police release crime bulletins about an incident of sexual violence on campus, we work very hard with the survivor prior to distribution. The survivor is always concerned that people will know that the bulletin is about them. They think people will judge them. They are concerned about losing control over the process, and losing their anonymity is always a concern. We do not want to unintentionally re-victimize a survivor.

We're concerned that if the focus becomes the reporting structure for universities, we will lose sight of the real reason we want incidents reported: so we can support the survivor; so we can take steps to enhance safety on campus; so we can provide proper resources and understand and address any gaps in our services. It's not about numbers; it's about a caring community and it's about

building trust and rapport. If a survivor is hesitant or afraid to report, we can't support them.

Ms. Melanie Bowman: We recognize that the university needs a full understanding about what is occurring on campus. Are there any trends? Are there gaps in services? Is there a need for more resources or enhanced training?

In 2013, the University of Guelph, along with 32 other post-secondary institutions, administered the National College Health Assessment survey, which consists of a comprehensive set of standardized health and well-being questions. The results of the survey provided insights into the issues students face, including sexual violence.

For example, the survey asked:

—Within the last 12 months, were you sexually touched without consent? The University of Guelph response: 10% said yes.

—Within the last 12 months, was sexual penetration attempted either vaginally, anally or orally without your consent: 2.2% said yes.

—Within the last 12 months, was there sexual penetration either vaginally, anally or orally without your consent: 1.1% said yes.

The survey also highlighted the importance of the interconnectivity of sexual violence with alcohol and other drugs. It was invaluable to our sexual violence advisory committee.

The survey results also showed that our students wanted more information about how to support a peer or a roommate who is a survivor of sexual violence. This prompted the creation of an active bystander training for students that provides them with the skills to know how to intervene in situations of concern. Our active bystander program is grounded in a value system of taking pride in one's community by helping others, and draws from the province's Who Will You Help? initiative. This training is one part of an ongoing, multi-faceted approach to addressing sexual violence on campus.

We know that sexual violence is greatly under-reported around the world. Using a tool like a climate survey, as was discussed by Western, addresses confidentiality concerns, allows students to control all the information that they share, and provides them with a safe and honest way to share important feedback with the university.

Thank you.

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Ms. Robin Begin: We have two recommendations we would like to put forward: that the focus of the bill be broadened to include all of the university community, including faculty, staff and students; and that the focus on reporting numbers be changed. If we really want a clearer understanding of the extent of sexual violence at our universities, the real emphasis should be put on providing a tool that will obtain comprehensive information. We feel some type of climate survey will better reflect the bigger picture and provide a better understanding of what is happening on our campuses.

Do not let the focus on reporting cloud the true issue of providing a safe and supportive campus for all of our community members, staff, students and faculty. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about two and a half minutes per caucus. We start with the government. Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation today. We've heard a lot from universities and colleges, and campuses in general. I'm very happy to know that we're going forward with some recommendations to make our campuses safer.

In terms of looking at including the legislation not just for students, but all employees on campus, certainly any employee is already protected by some legislation already. The thought for this legislation going forward is to ensure that now students have a place to go, and that there is a policy that's covering them as well.

So there's no disconnect between the two—one was covered; one was not—but I'm interested in the grad student issue that others have brought forward regarding how they are employees and students. Can you give me some details on wording you would like to see added or amendments to that to include those students?

Ms. Robin Begin: I think our thinking was more that the policy should speak to everybody. We're not just saying sexual violence only happens to students; it happens to our whole community. Having the employment legislation and this policy opens another door.

Again, as a survivor, if I am a grad student, then that's my choice to say, "Do I want to go down the university's policy to deal with it or do I want to take the law piece?" I think what it does is it opens another door. But that overall statement, that overall policy, has to say, "We're here to protect the whole university." The message comes off as it's just about students.

Mrs. Kathryn McGarry: Thank you. The second thing I wanted to ask about was the reporting structure. I know that's been an issue and a concern, how that's going forward. The government will be working in the future on how that reporting structure is going to look for university and college campuses. Do you have any specific recommendations, or would you be willing to submit to that committee or join it in terms of looking at how that reporting structure is going to go?

Ms. Robin Begin: I don't have anything specific today. Again, we liked the NCHA piece because we got so much more robust information, but absolutely, I personally would love to sit on a committee and look at that piece.

Ms. Melanie Bowman: I'd add something very quickly. I think what would be important is that we emphasize choice. We know that in an act of sexual violence, a choice is taken away from the individual, and that's really something that—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time.

Ms. Melanie Bowman: Sorry.

The Chair (Mr. Peter Tabuns): Not a problem. We go to the official opposition. Ms. Jones.

Ms. Sylvia Jones: Climate survey: Expand upon that for me, if you may. Is that something you would like to see annually? Is that something that should be consistent across every university; i.e., the wording should be consistent? Tell me more.

Ms. Melanie Bowman: I would echo that I see it happening annually, and I see that it is something that's consistent and standardized across universities across the province.

Ms. Sylvia Jones: So it would be a government-led "thou shalt." The government would prepare the survey, ensure that the survey is done within a certain deadline, review, presumably, the results of the survey and make those public?

Ms. Melanie Bowman: That would be wonderful.

I would like to advocate having student survivors and other stakeholders at the table alongside the government to put together the climate survey. I think you'd have a lot of interest and excitement about who would like to be there to support that kind of initiative.

Ms. Sylvia Jones: In terms of who would be asked to participate, I'm assuming you're looking at a breakdown of a percentage of students, a percentage of faculty, a percentage of—help me out.

Ms. Melanie Bowman: Potentially, I would also include—most campuses work fairly closely with their rape crisis centres or sexual assault centres in the community. We have great partnerships now, so I would say that that would be an inclusion. And I would include senior administration. Again, I know that some of them are very keen and are very active in this issue.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Peter Tabuns): Ms. Sattler.

Ms. Peggy Sattler: Thank you for the great work that is obviously happening at Guelph.

Given the work that you've already done to develop a policy, would the provisions of this legislation require you to go back and make changes to your policy in order to adhere to this? Or is your policy generally aligned with what's outlined in the legislation?

Ms. Melanie Bowman: The policy is in line with what is outlined in the legislation.

Ms. Peggy Sattler: Except that this legislation says that it solely addresses sexual violence involving students, and your policy states that it involves everybody within the—

Ms. Melanie Bowman: Everyone. It's not a tough thing to make an amendment to—

Ms. Peggy Sattler: Okay. Going back to the climate survey: The section of the legislation that's entitled "Information for minister"—what I'm understanding is that the specific items that the legislation indicates that the minister is supposed to collect—the numbers of times these supports are accessed, and programs that are established by the university. Is it your recommendation, not that this information not be collected, but that the means of collecting it be through a climate survey; that the climate survey should be the vehicle to collect this data?

Ms. Robin Begin: Yes, I think our feeling is that that will give you better data. I do understand the statistics

piece. I think if that's seen as the focus, it truly is going to hinder people from coming forward.

The example I will give from my personal experience is ViCLAS—sorry, I can't tell you what the words are. When a police officer has a sexual assault, they have to fill out a booklet called the ViCLAS, and the focus changes from supporting that person to getting very detailed information. You can feel the change in the room for that survivor when I'm asking, "Was it their right hand or their left hand?"

That's my concern. If the focus becomes the statistics, that number, we're losing that focus on really opening the doors and having people come forward and supporting them.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today.

SEXUAL ASSAULT CENTRE LONDON

The Chair (Mr. Peter Tabuns): Our next presenter is the Sexual Assault Centre London.

As you have probably heard, you have up to 10 minutes to present, followed by questions. Please introduce yourself for Hansard.

Ms. AnnaLise Trudell: I'm here on behalf of the Sexual Assault Centre London and Middlesex, also known as SACL. My name is AnnaLise Trudell. I'm the program coordinator, public educator and research consultant. I'm also a doctoral candidate at Western University.

Relying on 40 years of expertise and experience, SACL offers individual and group counselling for female-identified survivors, a 24-hour crisis and support line available to all genders, accompaniment and advocacy, and public education and outreach. In the past year, we've served 407 individual counselling clients, 804 crisis callers, 4,000 public education attendees, and 100 girls through our Girls Creating Change prevention program.

We thank the government for the action plan It's Never Okay and for supporting these efforts through the introduction of Bill 132. We also thank the Standing Committee on Social Policy for the opportunity to provide input today.

Under schedules 3 and 5, all colleges, universities and private career colleges have to have stand-alone sexual violence policies that are developed using student input. We strongly recommend that input from community sexual assault centres be added as a requirement in the development of these policies.

Students are also community members and do not live in campus silos. They go in and out of campus spaces and, be it one, two or four years later, they integrate fully as members of the larger communities in which they reside. Offering integrated connections for students to community resources is a sustainable approach to supporting survivors of sexual violence.

Additionally, sexual assault centres and rape crisis centres have been honing their analysis, prevention work

and expertise in counselling around sexual violence for over 40 years. Let's not reinvent the wheel; let's pull on existing knowledge sources.

Provincially, through the Ontario Coalition of Rape Crisis Centres, we have a very strong coalition with sexual assault centres in many university and college towns. They know the region, they're experts on the issue and they have a wealth of knowledge on navigating community resources. The coalition and the centres can provide province-wide support in the development of the policies under schedules 3 and 5.

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In 2014, a research report was released by the University of Ottawa entitled *From Reacting to Preventing: Addressing Sexual Violence on Campus by Engaging Community Partners*. We would point the committee to this report and reiterate the suggestion it forwards: that engaging with community organizations to address sexual violence on campus is imperative. It found that students who used the supports of community groups appreciated that their presence provided an alternative to institutionalized campus services such as security, health or human rights officers. With confidentiality being a major concern for any sexual assault survivor but particularly in a campus setting, the community agency was generally viewed as an outsider group, and students felt that they would be less likely to side with the institution and more likely to provide them with a neutral perspective.

We would also like to add that we've been working with our local public school board and would support and reiterate the recommendation by the London Abused Women's Centre that attention be given to including school boards as requiring sexual violence policies. We know that the rate of victimization peaks at the age of 15, so we can't lose focus that the school-age bracket experiences sexual violence as well.

Also under schedules 3 and 5, institutions are required to collect data pertaining to, amongst other things, reported incidents and complaints of sexual violence, as well as efforts to raise student awareness of supports and services. We echo the recommendations from Western, Guelph and—as you'll hear—the Centre for Research and Education on Violence Against Women and Children that data be collected through climate surveys and not through official counts of the number of times support services and accommodations were offered. We know that 78% of survivors don't report sexual assaults. Reporting numbers don't reflect the full scope of sexual violence on campus.

Finally, in regard to the requirement that institutions report on efforts to raise student awareness of supports and services, the Sexual Assault Centre London would recommend that institutions look to their community agencies and local sexual assault centres. As a public educator, I have been involved in many campaigns over my five years at the agency, targeting diverse population groups. While we don't have all the answers in terms of best approaches to outreach campaigns, we've put in a lot of time and a lot of legwork to try out different avenues.

Again, let's not reinvent the wheel; let's work collaboratively. One example of a really successful collaboration around awareness-raising was the "I Know Someone" campaign between Changing Ways, the Sexual Assault Centre London and Western University. In 2010, it looked at increasing student awareness around the continuum of sexual violence and teaching bystander intervention skills. SACL supports and welcomes the inclusion by Western University and Fanshawe College to sit on their sexual violence campus committees, and we hope to foster future collaborative outreach efforts.

In conclusion, SACL seeks to further our relationships with our local post-secondary education institutions. We call for the authentic collaboration and inclusion of community agencies in the development of policies under schedules 3 and 5 and in the ongoing campus work towards preventing sexual violence.

The Chair (Mr. Peter Tabuns): Thank you very much. That leaves us with three minutes per party. We start with the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for your amendment considerations, especially on integration with the community services. I think that needs to be more explicit, I guess, in the bill than it is. I forget how explicit it is, but it's a good thing to strengthen within the bill. Including the school boards: I like that too.

I'm going to segue, if I can: I've been working a lot on human trafficking. I wondered if you could comment on any issues you've dealt with, with human trafficking with Sexual Assault Centre London.

Ms. AnnaLise Trudell: Absolutely. The Sexual Assault Centre is part of a coalition in the region—the Coalition Assisting Trafficked Individuals—which the London Abused Women's Centre is also a part of. We've really been looking at an approach that is, "Every door is the right door." It's not creating a new agency; it's making all of our agencies able to respond to the issue, to recognize when it is a case of human trafficking or not, and then, what resources exist already locally to support that. Of course, there are some additional lenses to be brought to the issue, but we realized that we do have a lot of supports that are existing, and we just train folks to better connect those.

Ms. Laurie Scott: That's good. It's kind of relating to what we're asking for: provincial networking of victims' services and police. You've already done some great starts with that in the London area, so I want to praise you for that.

Ms. AnnaLise Trudell: Thank you.

The Chair (Mr. Peter Tabuns): Ms. Jones?

Ms. Sylvia Jones: I'll follow up, if I may. I love the concept of "Every door is the right door." I'm wondering if you are finding, as a group, that there are different resources or that a different approach needs to be taken when you have a survivor of human trafficking.

Ms. AnnaLise Trudell: There are definitely some safety considerations that are different, but one thing—I'm the trainer; that's part of that coalition so I should centre myself in that. We understand human trafficking

as being on a spectrum. There are many cases in which safety isn't any different than it would be in a domestic violence situation, so there are a lot of parallels that we can draw from the safety assessment skill sets we have. There are considerations that are often brought in terms of the police and how they would navigate the law with that survivor-victim.

In terms of service providers, which is what our coalition is, we really do have most of the skill sets. It's about understanding the experiences, having a bit of a different space that it came from, but in terms of supporting, these resources are existing.

The Chair (Mr. Peter Tabuns): With that, you're out of time.

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. Peter Tabuns): We'll go on to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you so much for your presentation. I had a bit of a eureka moment when you were talking about student access to community resources. We've heard a lot about a climate survey today, and also in Peterborough, in relation to this legislation. Having a climate survey would collect data on those students who don't have any interaction with campus-based services but who may only access a community resource. Not only is it better data qualitatively because of student confidentiality and comfort, but it also is richer data because it's a much fuller picture. So thank you so much for that. I think that's a really strong argument for the campus survey.

I was really interested in the University of Ottawa research report, which is something I wasn't aware of. That was research that was conducted in 2014. Can you tell us a little bit more about that?

Ms. AnnaLise Trudell: For sure. It was done in 2010.

Ms. Peggy Sattler: Oh, 2010? Okay.

Ms. AnnaLise Trudell: The author was Julie Lalonde.

Ms. Peggy Sattler: Oh, yes. We know Julie Lalonde.

Ms. AnnaLise Trudell: It was a qualitative report. She went about engaging with workers at different rape crisis centres as well as campus workers around the issue. There wasn't direct engagement with survivors, but they were speaking on behalf of survivors as well as their experience in supporting.

Ms. Peggy Sattler: And then the other issue about the school boards reinforcing the earlier recommendation that we had: School boards already have safe school policies—a whole array. Is it your sense from the work that you do with students and the school boards that there is still a need for stand-alone sexual violence policies in addition to everything that's already in place on the safe schools side?

Ms. AnnaLise Trudell: When I bring up the topic of sexual violence and our lens of consent on that topic, it's uncomfortable in that space. That's not something that folks are used to speaking about at those tables. Often we find—and I've had some really interesting conversations with our safe schools co ordinators locally—that there's a

real focus on bullying and we don't look at what comes behind bullying. Bullying is a representation of all kinds of "isms": homophobia, sexism. We need to get at the root causes of those, and one of those would be sexual violence. We use bullying as a tactic, but where is that coming from?

That uncomfortable conversation around sexual violence is not a norm that is happening, in my experience, in those school boards. That is something that we're really pushing for, and that is new in that space.

Ms. Peggy Sattler: So even with the introduction of consent education, which now is something that the government has committed to bring forward—

The Chair (Mr. Peter Tabuns): I'm sorry, Ms. Sattler, but you've run out of time.

We go to the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you. I was actually going to get into that as well. I know you talked a little bit about school-aged children. It has always been one of the things that I like to talk about quite a bit.

How do you feel about some of the new changes that the curriculum will bring about? With the idea of talking about healthy relationships and consent through this new curriculum, what we're looking to do is bring a generational change and build awareness from a young age.

Ms. AnnaLise Trudell: I'm excited by them. I think they're great. I have had it reported to me that multiple teachers are uncomfortable with the topic and they don't know how to mobilize the curriculum. They're uncomfortable saying the lingo of, say, gender-queer or gender variations. I think having a policy that also supports that, sort of a stand-alone sexual violence policy, would also reiterate how strongly we are pursuing these efforts. It would also compel them to step beyond their discomfort and launch into the curriculum.

Ms. Harinder Malhi: Thank you.

1030

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: I have a question about the Residential Tenancies Act. Do you feel that that will assist women who are trying to flee sexual or domestic violence at home, to be able to get out of their lease earlier?

Ms. AnnaLise Trudell: Noting on record that I don't do a lot of work on domestic violence, I do think it would be helpful, yes.

Mrs. Kathryn McGarry: Thank you. And another question: Not all women or men are prepared to step forward right away to report. Do you think the removal of the statute of limitations over two years will assist those who will report in their own time?

Ms. AnnaLise Trudell: Over 70% of our counselling clients come to us with historical or over five years, in terms of their experience of sexual violence and sexual assaults. So, absolutely, I think that will be helpful as offering another option for them.

Mrs. Kathryn McGarry: Are a large percentage of those folks wanting to go ahead and press charges, or do you find the number small?

Ms. AnnaLise Trudell: Small. It's less than 10%.

Mrs. Kathryn McGarry: There was a suggestion that if court proceedings actually happened sooner rather than later, more of them may feel more comfortable to be able to go on to charge their attacker. Do you think that would be helpful?

Ms. AnnaLise Trudell: I think it would be one of many ways in which we could alleviate the awful experience of going through the court system, to present that to them going in, and that might help sway that that would be a more viable option. It might.

Mrs. Kathryn McGarry: More supports around the court system: Is that helpful to victims? Are they more likely to go through with the proceedings if they have somebody to support them during that period of time?

Ms. AnnaLise Trudell: I want to just shift that question and state that it's always victim-centric and survivor-centric, so I don't want it to always have the goal that they go through that system.

Mrs. Kathryn McGarry: Oh, I realize that.

Ms. AnnaLise Trudell: But I do think that having more options that seem more comforting to them would increase how many pursue the legal route.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. Thank you very much.

Ms. AnnaLise Trudell: Thank you.

CENTRE FOR RESEARCH AND EDUCATION ON VIOLENCE AGAINST WOMEN AND CHILDREN

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Centre for Research and Education on Violence Against Women and Children. As you probably heard, you have up to 10 minutes to present, followed by questions. If you would introduce yourself for Hansard.

Ms. Barbara MacQuarrie: I'm Barb MacQuarrie, and I'm the community director at the Centre for Research and Education on Violence Against Women and Children.

The Centre for Research and Education on Violence Against Women and Children is committed to the development and application of knowledge for the prevention of violence against women and children through promoting innovative, collaborative and equality-seeking initiatives.

We facilitate the collaboration of individuals, groups and institutions representing the diversity of our community to pursue research questions and training opportunities to understand and prevent violence and abuse.

We serve local, national and international communities by producing useful information and tools to assist in the daily work to prevent and stop violence towards women and children and vulnerable adults.

I'm going to refer to us as CREVAWC, because the name is too long.

We fully support the efforts and the intention of the government of Ontario to protect Ontarians from the devastating impacts of sexual violence, sexual harassment

and domestic violence, and the desire to achieve a fair and equitable society through It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment.

Bill 132 is an essential element of the action plan, and we commend the government for introducing these measures. We also thank the government for this opportunity to provide input into the legislation.

I have a written submission which is more detailed than what I'm going to present orally. I'm just going to address two sections that are of most importance to me.

I hadn't planned on speaking to the piece about the sexual violence policy. It's in my written submission. But I would just say briefly that I do support having a policy that applies to every member of campus—students, staff and faculty. In fact, the Occupational Health and Safety Act requires a policy, but it doesn't give any specifics about how that policy is to be written or where it is to be held, so the same policy could serve more than one purpose, in my opinion. Everybody on campus deserves support. Why would we ignore certain members of campus when we're thinking about a policy?

I wanted to speak to schedule 3 and schedule 5, the point about information for the minister and information for superintendents in the private colleges.

We recommend that the information to be collected and provided to the minister in the case of publicly funded colleges and universities, or to the superintendent in the case of private career colleges, be collected through climate surveys, not through official counts of the number of times supports, services and accommodations relating to sexual violence are requested and obtained by students enrolled at the college, university or private career college, and not through official counts of the number of incidents and complaints of sexual violence reported by students.

Our rationale is that, while we support the need to collect this information, the method used to collect the information will determine both its validity and its usefulness. This recommendation is of particular concern, so I am going to provide a somewhat lengthy and evidence-based rationale for our position. All my citations are in the written support.

The Council of Ontario Universities is working on recommendations for a climate survey. A sector-wide climate survey is an important tool for benchmarking the incidence of sexual violence as well as understanding and addressing campus climate. While allowing for the collection of data about sexual violence in a consistent manner across campuses and universities, it can be customized to respect the unique services, supports and structures of each campus. It will produce far more reliable information than counting formal and informal incidents, complaints and service use. Collecting data from official sources can lead to investing resources in ineffective and inefficient bureaucratic processes that do nothing to decrease sexual violence or provide better services to survivors.

Research findings from the Canadian Department of Justice serve as a caution for relying on data obtained

from formal reports to police or other campus authorities. They reveal that victims do not report incidents of sexual violence to police for many reasons, including:

- They dealt with the incident in another way.
- They didn't deem it to be important enough.
- They considered it to be a personal matter.
- They did not want police involved.
- They felt that police could not do anything about it.
- They believed that police would not help them.
- They feared revenge by the offender.
- They sought to avoid publicity regarding the incident.

The Department of Justice acknowledges that with 70% of sexual assaults not being reported to police, sexual assault is among the crimes which are least likely to be reported.

They also give information about relying on numbers from campus counselling and support services, and suggest that they would not provide a reliable estimate of sexual assaults and violations. In addition to the fact that a survivor may choose to disclose to a service or source of support off campus—as you pointed out, Peggy—many survivors will not disclose at all, and others will only disclose long after the incident has occurred.

Factors associated with not disclosing include the victim's use of drugs and/or alcohol and the victim's belief that professionals will not be helpful to them because their rape experience does not match stereotypical conceptions of rape, such as involving a stranger, a weapon, and severe injury.

Delayed disclosure is associated with closeness to the assailant, as indicated by the assailant being a boyfriend, family member, or mentor; a history of childhood sexual assault; completed rape; and avoidance coping.

To emphasize the futility of collecting data through formal university channels, the US White House Task Force to Protect Students from Sexual Assault, in a 2014 report, conceded that “Survivors typically do not disclose sexual assault to formal support providers (law enforcement, campus administrators, crisis centres). Campus estimates suggest ... 6% disclose to law enforcement and 4% to campus authorities.”

Reporting on numbers of women who use counselling and other supportive services is ethically very questionable. Most women only disclose when they are confident their confidentiality will be respected. Reporting any information from counselling and support services may discourage women from coming forward. Again, the US White House reminds us of why absolute confidentiality is so important to survivors. They say:

“There are many common reasons why survivors do not disclose to professionals, including fear of others knowing about the assault and wanting to keep it private. This suggests that confidentiality is a requirement for many survivors to disclose. As a result, support services that are not confidential may not be used.

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“Survivors report shame, stigma and embarrassment after an assault. Confidential spaces may be perceived as safer for initial reporting.

“Confidentiality is a cornerstone of mental health treatment. There are many reasons for this, including that individuals seeking help often need to discuss very personal and private details of their lives and feel more comfortable doing so confidentially. Similarly, sexual assault survivors must also talk about intensely personal aspects of their lives that they may not have shared with anyone else. Confidentiality helps build trust that personal information can be shared safely.”

Collecting and reporting on data about sexual violence on campuses from authorities, including law enforcement, campus administrators and/or supportive services, risks inadvertently penalizing those institutions that are doing the most to address the problem of sexual violence. In fact, more reporting is good. Again, the White House illuminates this point:

“For colleges and universities, breaking the cycle of violence poses a unique challenge. When a school tries to tackle the problem—by acknowledging it, drawing attention to it, and encouraging survivors to report—it can start to look like a dangerous place. On the flip side, when a school ignores the problem or discourages reporting (either actively or by treating survivors without care), it can look safer. Add to this the competition for top students or a coveted spot on a college rankings list and a school might think it can outshine its neighbor by keeping its problem in the shadows.

“We have to change that dynamic.

“Schools have to get credit for being honest and for finding out what's really happening on campus.”

I've emphasized this: “Reports to authorities, as we know, don't provide a fair measure of the problem. But a campus climate survey can. When done right, these surveys can gauge the prevalence of sexual assault on campus, test students' attitudes and awareness about the issue, and provide schools with an invaluable tool for crafting solutions.”

It behooves us to look to the experience of the USA, where officials have used the Clery Act to require colleges and universities to report numbers of sexual assaults reported to them. The Clery Act's primary purpose is to require college administrators to report on all forms of campus crime, including sexual assault. Specifically, the objectives are to provide consistent crime information so that parents, potential students and potential employees will be better able to evaluate an institution before they make a commitment to it; to educate students and employees about campus crime so they might better protect themselves from the risks of their campus environment; and to reduce crime.

However, researchers have concluded that victim advocates, law enforcement, housing and residence life, and judicial officers, students and their parents, and senior student affairs officers agree that this required reporting does little—

The Chair (Mr. Peter Tabuns): Ms. MacQuarrie, I'm sorry to say you've used up your time.

Ms. Barbara MacQuarrie: I'm sorry.

The Chair (Mr. Peter Tabuns): It's not a problem. First questions go to the NDP. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much, Barb, for your presentation.

I'd like to ask you about your thoughts on amendments to the Occupational Health and Safety Act and what kind of recommendations you would like to bring forward to us.

Ms. Barbara MacQuarrie: Thank you for the opportunity. My biggest concern about that would be the issue of mandatory training, which you discussed earlier. I think it's absolutely critical. Without training and education in workplaces, we will never be able to address either sexual violence or domestic violence. I think that the training requirements need to apply both to the issue of sexual violence and domestic violence.

Somebody has mentioned previously that at the Centre for Research we have been working since 2010 on a workplace education program. We've trained over 500 workplaces in Ontario and quite a few outside of Ontario. We have evaluation data from that training. I'd be happy to share it. Generally, I can say that what happens is that it's very difficult to get into a workplace, but once we do, what employers say is, "We didn't know what we didn't know." and "Thank you very much." We've had very, very positive feedback and reception of the training. But without a mandatory requirement to do training, I don't think that employers are really going to get on board.

Ms. Peggy Sattler: Okay. And quickly—the climate survey that is being worked on by the Council of Ontario Universities: Do you think that that would be suitable in a college setting, as well as a university setting?

Ms. Barbara MacQuarrie: Yes.

Ms. Peggy Sattler: And also, is your recommendation that it be conducted annually and be a population survey rather than sample, which is what we heard earlier?

Ms. Barbara MacQuarrie: Yes, annually, and in larger universities it may have to be a population sample. But I think that the COU expert panel is making very detailed recommendations. I think it's really worthwhile looking at those. People who are experts in survey research, in sexual violence, have the idea of a consistent survey that could be customized to reflect the reality of each university. Each university will have different services; there would be an opportunity to reflect that within a campus climate survey.

Ms. Peggy Sattler: For colleges as well as universities?

Ms. Barbara MacQuarrie: Yes, for colleges as well as universities.

Ms. Peggy Sattler: Okay. Thank you.

The Chair (Mr. Peter Tabuns): Ms. Sattler, because we had less than five minutes, you can ask another question.

Ms. Peggy Sattler: Oh, excellent. Sorry. I didn't realize that.

The Chair (Mr. Peter Tabuns): I should have been clearer.

Ms. Peggy Sattler: To go back to the Occupational Health and Safety Act: You mentioned the special en-

forcement team of inspectors in your written presentation. Can you elaborate a little bit more about that?

Ms. Barbara MacQuarrie: The Occupational Health and Safety Act was just changed in 2010, and before that we only dealt with physical hazards. Relationship violence is new, and we've heard today how complex these issues are. If we don't train inspectors, they're not going to be able to enforce legislation.

Ontario has the most progressive legislation in the world on occupational health and safety to deal with domestic violence, but the implementation is very, very weak. We need training on this. Inspectors are, frankly, uncomfortable with the issue, as are many, many other people, and until we sit down and figure out how we're actually going to implement this and hold employers accountable, we're not going to make any headway.

That segues into the need to have education. In occupational health and safety, the more authority you have, the more responsibility you have, so training and education should mirror that; the more authority you have and the more responsibility you have, the more in-depth your training should be. But everybody in the workplace needs the basics of being able to recognize a warning sign, being able to talk about that warning sign and knowing where to refer, both inside the workplace and outside to the community of resources.

That's the basic structure of the training that we offer. We have everything from two-day intensive to one-hour basic, with lots of options in between.

Ms. Peggy Sattler: I think this committee would be interested in—you said you have evaluation data about the results or outcomes associated with the training that has been delivered in 500 workplaces in Ontario?

Ms. Barbara MacQuarrie: Yes.

Ms. Peggy Sattler: If you could bring that, that would be great.

Ms. Barbara MacQuarrie: Sure, I could do that.

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

WESTERN UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the University of Western Ontario. As I'm sure you've heard, you have up to 10 minutes to present. That will be followed by questions. If you'd introduce yourself for Hansard, and then proceed.

Ms. Angela Treglia: I'm Angela Treglia. I represent Western University as their sexual violence prevention and education coordinator.

Mr. Chair and members of the Standing Committee on Social Policy, on behalf of my colleagues and the entire Western community, thank you for the opportunity to speak today. Western supports the Ontario government's Sexual Violence and Harassment Action Plan Act, the legislation proposed by Bill 132, and the proposed regulations under the Ministry of Training, Colleges and Universities Act. We commend the intentions to create positive change and eradicate sexual violence and harassment.

Western, too, has an unwavering commitment to prevent sexual violence and support individuals who have been impacted by sexual violence, through a survivor-centric model. Western has a reputation for being a leader in sexual violence prevention and education. For the last 11 years, Western has included a keynote speaker on the topic of sexual violence during orientation week, which we introduced to Canada and is now the norm across campus.

As you will hear later on, our public education campaigns, such as our “upstander” training program, have received provincial recognition. Western will continue to take steps and incorporate best practices that reflect the needs of our campus community and continue to share our knowledge and programs with the rest of our sector.

Western has made significant strides towards our commitment. To highlight this commitment, here are some of the many successful initiatives taking place at Western.

Introduced in September 2014, Western was one of the first Canadian institutions to adopt a stand-alone sexual violence policy and procedures. It is the foundation of our commitment to providing and maintaining an environment in which sexual violence is not tolerated.

Western has an established sexual violence prevention and education committee which includes representation from across campus and within the London community, as you heard earlier today. We coordinate efforts on sexual violence prevention and education for students, staff and faculty members.

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Student representation plays an integral role on this committee. Students help craft sexual violence initiatives and are regularly included in discussion. Our Society of Graduate Students has already talked to you about our successful initiative, the consent and compassion forum.

Western has a professional staff member specifically dedicated to this work. As the sexual violence prevention education coordinator, I collaborate with community partners to develop strategies around sexual violence prevention on campus. I work with undergraduate and graduate student survivors of sexual violence to provide support, referrals and resources when necessary.

Western’s department of housing has created several awareness videos that have been shared across campus. Most recently, they partnered with the Centre for Research and Education on Violence Against Women and Children to create our Cycling Through Consent video, which has reached over two million people and has gone global.

Rooted in bystander intervention theory, Western developed their “upstander” training program to create a strong culture of looking out for one another on and off campus. There has been widespread provincial interest in this program. It has been shared at regional housing, student life and campus security conferences. Multiple campuses across Ontario have adopted this program, such as Carleton University, Sault College and the University of Winnipeg. Western has received a generous

grant from the Ontario Women’s Directorate to fund the expansion of this project across Ontario campuses.

Western has several forms of on-campus supports for survivors of sexual violence. Our student health services, student development centre, equity and human rights services, wellness education centre, residence counselling and the department of housing provide a wide variety of supports for survivors and those looking to support survivors.

Campus Community Police Service, residence staff and residence life management provide a 24/7 response. Western has a long-standing relationship with the Regional Sexual Assault and Domestic Violence Treatment Centre, out of St. Joe’s hospital, to provide counselling and support to survivors after hours.

Again, Western supports Bill 132 and the proposed regulations. With that said, university and college campuses need to balance institutional and legislative compliance with providing a compassionate response. There are components of the legislation and the regulations put forth that compromise our commitment to a survivor-centric approach.

In a survivor-centric model, it is critical that survivors be afforded the choice and opportunity to (1) formally report an incident of sexual violence to the university, which then would involve formal follow-up, or (2) disclose an experience of sexual violence in confidence to a support person on campus, who can provide various options to the survivor.

The language throughout the bill references incidents and complaints, but not disclosures. As it stands now, there is no recognition of the distinction between reporting an incident of sexual violence and disclosing an experience of sexual violence.

Bill 132 will require that universities report the number of incidents and complaints of sexual violence by students, and information about such incidents and complaints, to the minister. As we have heard from lots of fellow colleagues this morning, Western, too, endorses and supports the use of a campus climate survey to meet these reporting expectations.

By not using a campus climate survey and expecting offices and departments to report numbers, this practice may threaten the survivors’ ability to choose if, how, where and to whom their experience of sexual violence gets shared, depending on the level of information that is expected to be reported.

Reporting any information from confidential services, such as counselling services, may discourage a survivor from coming forward for fear that others will find out about the incident or having to retell their experience. Any mention of reporting, even just a number, removes the agency away from the survivor, whose trust and power have already been stripped from them.

Requiring universities to report on disclosures of sexual violence will remove their ability to provide survivors access to fully confidential on-campus services, such as counselling and health care. It’s important to balance survivor privacy, confidentiality and profession-

als' rules of conduct. This will need to be considered when setting out reporting expectations. It's imperative that legislation recognizes the difference between the acts of reporting and disclosure on university campuses.

If institutions are required to collect data from official sources, there is a strong likelihood that it will increase inaccurate findings and misrepresentation of the current state on campus, like we've heard already.

One incident of sexual violence could be reflected more than once, if support from multiple service providers is sought out. For example, a survivor may disclose an experience of sexual violence to their residence adviser, an on-campus physician and an academic counsellor. In the interests of privacy, these services do not share information unless requested by the survivor. Therefore, it would not be possible to determine if the survivor has reported an incident of sexual violence in multiple places. As it stands now with the proposed legislation, this one incident of sexual violence could appear as three separate incidents.

We recommend that reported information be collected through a consistent campus climate survey used across universities in Ontario. Data collected from the campus survey would then meet the reporting requirements proposed in the bill while at the same time maintain survivor confidentiality and allow the survivor the choice about what happens to their experience and how they choose to share that information.

A climate survey allows for the opportunity to dig deeper into the attitudes, experiences and behaviours around sexual violence on campus. The climate survey will also define the scope around reporting. For example, did the act of sexual violence take place on or off campus? Is the act recent or future? Are services utilized due to immediate assistance needed or a recurrence of difficult memories?

As Barb mentioned, the Council of Ontario Universities is working on recommendations for a climate survey. We encourage you to seek their input when developing or making such recommendations.

Bill 132 requires that universities have a sexual violence policy that "solely addresses sexual violence involving students enrolled at the college or university." Like you've also heard today, we encourage and recommend that that definition be expanded to include all members of campus communities: staff and faculty. Often, students' roles on campus are interconnected as many hold part-time employment with the university. Working in residence life for the past eight years, where we employ over 300 students, I've experienced how student and employee roles can be easily intertwined. In order to be employed as a residence adviser, you're required also to be a full-time student.

By explicitly focusing on the policy for students only, it means that a survivor may encounter a different response based on their relationship with the university. This adds further complexity when different affiliations intersect. A survivor-centric policy would ensure that a consistent, timely and high standard of response and

support for all survivors is had. I think it's important to mention again that it's about providing those choices and those options and about removing and limiting any barriers that a survivor may encounter. When there's inconsistency or confusion around what to do with the information, those barriers are put up. What we want is for survivors to be able to have that access.

Finally, there's an opportunity to develop further collaborative relationships between the university and campus agencies. We recognize that strengthened relationships with local community agencies, research centres and treatment centres will result in greater demand for their services, which may result in greater resource scarcity. We urge the government to commit to ensuring adequate resources are provided to community partners and directed to support the projected increase in demand for their services. Thank you for your time.

The Chair (Mr. Peter Tabuns): Thank you very much. In keeping with our agreed policy, since we've hit the below-five-minute mark, these five minutes go to you, because we've had the Liberals and the NDP both get their full five minutes. Ms. Jones.

Ms. Sylvia Jones: I just have one question and then I'm going to let my colleague go. Many presenters today have made reference to the climate survey. I'm wondering if we can step back. I'm interested in your comments on whether a climate survey is going to be a useful tool for a family, a young person, who's making a decision on which post-secondary institution they wish to attend.

Ms. Angela Treglia: I don't have children and I haven't had to make those decisions as a family, so I'm hesitant to speak on behalf of families. I think the key point with the campus climate survey is that it is recommended that it be consistent across campuses. I think the primary purpose of it is not necessarily to inform decisions or as a recruitment tool. The primary purpose of it would be to inform the community that it is working to end sexual violence on campuses—the staff and the administration and the faculty—and to identify gaps and really have a solid understanding of what's going on on campus so that we can, as a university and college community across Ontario, work together to eradicate this problem.

It's not just an issue on campuses, as we know. The legislation expands past campuses. It's an issue in society wherever you go. What you see on a college campus you'll see anywhere else as well, so I don't know that that would be the purpose per se.

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Ms. Sylvia Jones: I agree. I think you've hit the nail on the head: that the climate survey is more about a tool to assist legislators and individuals working in the field to improve the situation. It is not a tool that would assist a student or a family member looking at three choices and trying to decide where they want to attend. Thank you.

I'll turn it over to you.

The Chair (Mr. Peter Tabuns): Ms. Scott.

Ms. Laurie Scott: The services that are available on campus—and then we've heard from community groups

and there seems to be an integration with the universities and the community resources. If someone approached whoever in your university—I know you have one full-time faculty. They approach the person at the university. Did they engage community services right away? What if they decided to go through a formal complaint, or just disclosure? Tell me how that works, because we've heard mentioned that with outside services—it's more of a confidentiality security that they offer. Just take me through what happens.

Ms. Angela Treglia: Sure. Like I mentioned, Western, along with many other campuses, takes a survivor-centric model. What that means is that it's about a survivor's choice. When we experience a disclosure of sexual violence, what we will do is we'll sit there, we'll be present with the survivor and we'll let them lead the conversation. When the moment is right, we will provide options and resources that are available on campus, in the local community, and options for formal reporting through campus police. What we don't do is go and mandate that that survivor needs to go and speak with a specific service or they need to report. It's about having the survivor make choices.

When someone experiences sexual violence, that power has been taken away and stripped from them. The least we can do is to provide that agency back into their hands. They have the choice about how they want to proceed and which resources they wish to seek out. We provide them with the options that are available. We will sit there and make phone calls, should they wish us to, or they can take that upon themselves as well.

Ms. Laurie Scott: If the individual student, say, goes to an outside service first, then there doesn't have to be any reporting?

Ms. Angela Treglia: No. Services in the community are fully confidential. St. Joe's hospital, SACL: They're not going to call Western and tell us.

Ms. Laurie Scott: Right.

Ms. Angela Treglia: That's also why the campus climate survey is helpful. Like Peggy had mentioned as well, and AnnaLise from SACL, it will help provide a greater picture of those who reach out to off-campus supports as well but may be affiliated with the Western community as a student.

Ms. Laurie Scott: The issue of an assault being counted multiple times because they've gone to different agencies or different resources within the university: Do you not feel that there would be—I don't know how to do that differently, but—

The Chair (Mr. Peter Tabuns): I'm sorry, Ms. Scott, but you're out of time.

Ms. Laurie Scott: Like "person A"?

Ms. Angela Treglia: I don't think that will happen because they will be self-disclosing, so they will only disclose their incident.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time. Thank you very much for your presentation.

UNIVERSITY STUDENTS' COUNCIL, WESTERN UNIVERSITY

The Chair (Mr. Peter Tabuns): The next presenter: University Students' Council, University of Western Ontario. As you've heard, you have up to 10 minutes to present followed by questions. If you would introduce yourself for Hansard.

Ms. Sophie Helpard: Hi, there. My name is Sophie Helpard and I am the president and CEO of the University Students' Council at Western University, which represents all 30,000 undergraduate students on campus. Thank you for allowing me to present on what I consider to be one of the largest issues facing university campuses across the country.

As a female student, and for the past few years as a prominent student leader on campus, this issue is very close to my heart. This comes with its challenges; however, it does allow me to be an advocate for issues like sexual violence on campus.

Before jumping into recommendations, I would like to give some context on my role in sexual violence education and prevention on Western's campus. The University Students' Council operates a sexual health and consent service for our students, to give awareness to the issues and promote initiatives such as the peer support centre, which is a centre, in partnership with Western, that provides peer-to-peer counselling and resource connection to students. This is our commitment to the reality that students have the right to access support from professional services on campus and in our community but also the right to access peer support, where they value empathy, and as a starting point for resource connection. This service has become a hallmark of our campus in combatting issues like sexual violence.

As mentioned in Western's presentation, we also facilitate and champion an orientation and year-long program commended for the role of student leaders in the prevention of and education on sexual violence.

Through a long history of advocacy from the USC, we've also built a strong relationship with the university administration. The USC has representation on the sexual violence prevention and education steering committee. We have a consultative and resource partnership with administration in our services and the peer support centre. As the chief advocate for students, I feel that the university does value and implement student input on the issue. When a campus faces an issue this large, it requires all stakeholders to work together in solving it, and I'm confident in reporting that this collaboration is alive and well on Western's campus.

I would now like to highlight multiple policy concerns and recommendations on the bill for your consideration. The first is the need for the bill to address universality. Consideration must be given to the reality that students are not just students on modern university campuses. The bill should recognize that sexual violence policies on campus should address all members of the community, including students, staff and faculty members. Many stu-

dents, as you've heard, work and volunteer on campus, and all relationships that they hold with the institution should be recognized within the policy.

In a very personal example, I personally would not be recognized in the policy because student executives in my role are full-time employees who are usually in the job post their year of graduation. This means that myself and my peers are no longer students of the university and would not be covered under such policies. I spoke about how close this issue is to my heart, and it is a difficult pill to swallow—the student-only focus of the recommendations proposed when these realities do exist.

The second recommendation is on a specific note on the clause that states that students' feedback should be considered. I would assert that it is required for institutions to "implement" student feedback, so that partnerships as strong as the one we've built at Western would be a standard rather than an outlier. I know this might seem like a simple language change; however, it does impact the way that student associations interact with our university administration.

The third comment is around the reporting of sexual violence, which I understand to be addressed in schedules 3 and 5. I echo the recommendations that Western and CREVAWC have provided: that a climate survey is a preferred method of reporting. In my opinion, one of the largest barriers to solving sexual violence on campuses is—reducing stigma. My job is to try to do so for my fellow students, but I have heard countless times from students that their hesitation with reporting and support puts up another barrier that we cannot afford. The university's recommendation on climate surveys is wholeheartedly endorsed by the undergraduate students at Western.

The final note is simply on the feasibility of the Premier's sexual violence action plan. As a student association, we have a stake and are already contributing to finding a solution. Our recommendation, however, would be that, as the necessary funding and resource-distribution reaches institutions to implement these policies, student associations also be valued to contribute through the availability of grant funding for student-driven causes. We believe this to be a foundation for student support at Western.

I'd like to note that the Maclean's student opinion surveys, in their most recent reveal of university rankings, noted that Western ranked number one for student perception on the steps that the university was taking to prevent sexual assault on campus. This makes me proud of my institution but, at the same time, concerned when I understand the reality that still exists in my daily work on campus. If this is the reality of an institution that currently ranks number one in student opinion, we have a province- and, frankly, country-wide problem.

In conclusion, I feel that my role here today is to speak on behalf of students at Western and maybe even undergraduate students across the province. I must provide the student experience on campus and educate the committee on what role student associations are playing in this

process. I also use this opportunity to provide recommendations and places for further consideration and hopefully echo many of the responses from Western University.

I would also like to note that my presentation is recognized and influenced by the Ontario Undergraduate Student Alliance, of which the University Student Council of Western is an enthusiastic member school. The USC has chosen not to include a written submission, but I would like to repeat my endorsement of both the Western University submission and the upcoming submission by the Ontario Undergraduate Student Alliance.

Thank you for your time.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

We go to the government. Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation today. We've heard from all points that the University of Western Ontario is certainly a leader in these policy developments, and I really commend you for the work that you're doing.

Part of what we're trying to do as a government, as a province and on these committees is ensure that people are getting the message that sexual violence and harassment against anybody, including university students, is totally unacceptable.

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I know that we've heard a lot today about the climate survey, and I'll come back to that. The government has committed to ongoing work in terms of developing a reporting policy for universities. From what I'm hearing, the climate survey would help to ensure that that reporting is in context or has a contextual component. Can you expand further on how you feel that would go forward in ensuring that the universities actually comply with the reporting that will be coming?

Ms. Sophie Helpard: Yes, absolutely. I'm happy to echo a lot of what's already been said by both CREVAWC and Western. As mentioned, I do think my role here is to speak about how students feel about these policies and how students feel about them coming forward. I do think, as I mentioned, the difficulties that have been spoken about in reporting of students to these issues mean that not only do the individuals directly affected by the incidents have difficulty reporting, it also doesn't lead to a greater understanding of the university community as a whole.

Speaking on behalf of the students who might not have directly been affected by sexual violence on campus, they certainly have the right to a proper climate survey of their institution so that they can understand the realities that other students on campus are experiencing. I do think that is an important fact in remembering the whole of our community and the fact that it will take the efforts of the whole to actually solve these problems. So for that reason, I do believe that the climate survey is a much more responsible method in educating the community as well as actually helping the survivors of sexual violence.

Mrs. Kathryn McGarry: The recent ads on It's Never Okay and also the #WhoWillYouHelp hashtag

campaign: Do you find those helpful in spreading the word to all students that this is unacceptable behaviour?

Ms. Sophie Helpard: Yes. I do appreciate that specific campaign's use of things like social media to attract the attention of university students and young people in general. Yes, I would endorse any campaign or any promotion of that nature.

Mrs. Kathryn McGarry: And further to that: In terms of orientation, do you think that the education and first-year orientation is helpful to try to prevent sexual violence and harassment amongst the student population?

Ms. Sophie Helpard: Yes. Previous to my role as president, I was the steward of the orientation program at Western, and I can say confidently that it is now thought to be a foundational part of a student's education in that sexual violence should be on the top list of concerns. Through an orientation program, you work to address Maslow's hierarchy of needs from the bottom up in terms of making sure that, first, students can find their way to the cafeteria and, second, that they are aware of many of the things that will keep them healthy on campus. I'm glad that sexual violence is now at the forefront—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time.

We go to the official opposition. Ms. Scott?

Ms. Laurie Scott: Okay. I'll try to follow up on what MPP McGarry was saying. In orientation week you have the mandatory video that was mentioned earlier, which everyone sees, and it's being duplicated in other universities—so great for Western University and your involvement in that.

On the student representation in the proposed legislation, are you comfortable that that is going to work well? I say "work well." Is there anything you'd like to amend or change, or do you think that will be adequate, as it's laid out in Bill 132?

Ms. Sophie Helpard: To speak to a little of the point I made earlier, I do think that Western is leading in the collaboration that exists between the student association and the university. I can't speak to the realities of other universities and their relationships. However, I would say that as far as the bill addresses it, we are happy with the student representation piece, other than the language change, that student feedback would need to be implemented rather than just considered. Also, as I mentioned, another piece of that is that as funding and resource allocation happens for a lot of these initiatives, we hope some of that rests in student associations rather than just in the university institution itself.

Ms. Laurie Scott: I agree with your amendments. We've heard consistently to include students, staff and faculty members, so I think that's been a very good take-away.

When we were talking about the climate survey, which has been a very hot topic, it was mentioned that you would get more response from the climate survey. We're trying to track, as the ministry is trying to track—we're trying to make more accountability of tracking, a reporting mechanism for incidents that occur, and we're trying to do it in a way that helps address the issues.

I'm listening to the climate survey argument. Do you think that because there aren't numbers attached—I've heard about the reporting and how there can be duplication, but can you kind of strengthen that argument a little bit, or add a little bit more to the climate survey proposal that has been consistently heard from universities?

Ms. Sophie Helpard: Yes, absolutely. I don't pretend to be an expert in administering climate surveys, but will say that, like I mentioned, it is a powerful tool of education. Not only can it be used by the government to actually assess universities; it can also be used by the community for education.

I think one important point when talking about the climate survey on campus is that students generally can judge how their campus is performing by things like the availability of resources and by individual students' stories shared by their fellow classmates and peers. I do think it's important that the climate survey be a piece that is—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with this question.

We go on to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you very much, Sophie, for being here today, for your advocacy on this issue and for your participation in Western's initiative and leadership.

In the section that talks about student input, currently the wording is that the institution "shall ensure that student input is considered, in accordance with any regulations...." Your recommendation is that it should say "student input is implemented," in accordance with regulations.

Do you have any advice about what is meaningful student input? Is it the involvement of the student association, the elected student leaders? What does that look like on the ground at an institutional level?

Ms. Sophie Helpard: I would always, given my role, defer to the elected chief advocate for students on each campus—at Western, as an example, it would be the president of the University Students' Council and the president of the Society of Graduate Students—to be that valued student input, or their delegates.

We do find merit in general student feedback for all initiatives that the university undertakes, in the sense that there are student leaders in our residence communities, in our volunteer communities and in our faculty communities. However, we do feel that, as mentioned, the chief advocates for students, who were elected to do so, the student associations, should be the first point of contact for the institution when looking for decisions.

Ms. Peggy Sattler: Currently the legislation suggests that a review and update every three years is appropriate. Do you agree with that? In Peterborough, we heard a recommendation that a more frequent review would be better. Do you have any input on that one?

Ms. Sophie Helpard: I would never advocate to make it less frequent; I would always advocate to make it as frequent as possible. But understanding the restrictions and constraints of our university community and of external partners needed to complete these kinds of

reviews, I can speak on the fact that I am content with the three-year deadline.

Ms. Peggy Sattler: Okay. You mentioned the Maclean's ranking survey. I actually didn't know that they had modified their survey to include a question about student perceptions of sexual violence.

This climate survey that many presenters have talked about: Do you see this being reported publicly, kind of like that Maclean's survey, where it would have the results of the survey, institution by institution, available for people to review across the province?

Ms. Sophie Helpard: Yes. I think that is absolutely a right for students, to be able to compare their institutions on things like a climate survey. In addition, though, I do want to make a note that I am happy with the way that Maclean's chose to do their ranking, in the sense that it was very much based on student perception rather than on their metrics that they use for other rankings.

Ms. Peggy Sattler: Okay. Thank you.

The Chair (Mr. Peter Tabuns): And with that, we're out of time. Thank you very much for your presentation.

Ms. Sophie Helpard: Thank you.

WILFRID LAURIER UNIVERSITY

The Chair (Mr. Peter Tabuns): We go now to Wilfrid Laurier University. As you have probably heard, you have up to 10 minutes to present, followed by questions. If you'd introduce yourselves for Hansard.

Mr. David McMurray: Thank you very much. I'm David McMurray, vice-president, student affairs, at Wilfrid Laurier University, and I'm the institutional designate for our efforts to eradicate all forms of gender violence. I'm also serving as the chair of the COU's reference group on sexual violence. I'm here to support Lynn Kane, our coordinator of the gendered violence task force at Laurier, and to provide assistance with any questions. Lynn?

Ms. Lynn Kane: Thank you for inviting us to present. Wilfrid Laurier University applauds the government of Ontario for the leadership they have shown with Bill 132 and with the sexual violence and harassment action plan more broadly.

1120

In my role at Laurier, coordinating the gendered violence task force and chairing the steering committee, I've had the pleasure of getting to know student activists, feminist professors, administrative advocates and colleagues in the community who have been working for change in this area for a very long time. These people inspire me on a daily basis. Their hard work is fuelled by a deep care and compassion for the survivors in the community, and is also sometimes fuelled by frustration—frustration because, despite their hard work, sexual violence and harassment are still prevalent problems, and frustration because of systems within institutions that have made reporting, seeking supports and learning about sexual violence more difficult than it ought to be.

At Laurier, we are wholly and unwaveringly committed to making things better for survivors of sexual violence and harassment, and for that reason we fully support the spirit of Bill 132. Much of what is in Bill 132 reassures us that the work that we're doing is on the right track. The institutionally supported gendered violence task force is made up of students, staff, faculty and community members across our Laurier campuses in Kitchener, Waterloo and Brantford.

We applaud the Sexual Violence and Harassment Action Plan Act for its focus on students and its requirement for student involvement. This is something we believe in very strongly. The gendered violence task force was formed in response to an open letter that a group of students in a women and gender studies class wrote to the administration, calling for the university to do more with respect to gendered violence. Since then, we've stepped up and over 150 people have gotten involved in this work in some way.

The task force is divided into a steering committee, senior leadership group and five working groups focused on research and assessment; training and education; policy and protocol; supports and services; and awareness and communications.

The steering committee and working groups all include or involve students in some way. Our research and assessment working group, for example, has created opportunities for students to receive small grants to go toward research on gendered violence on campus and has recently funded four projects: student researchers will be looking at the social costs of confronting sexism in STEM fields; how trans and gender non-conforming students experience gendered violence on our campuses; attitudes toward women on our campuses; and the psychological impact of gendered threats on the campus community. All of this research will come back to the task force and inform our work.

We are also proud to have collaborated closely with a group of students, the Advocates for a Student Culture of Consent, or ASCC for short, to draft a gendered and sexual violence policy. In fact, this group of students wrote the first draft of our new policy, and they continue to work with the task force as we move forward and focus our work on response protocols.

Our policy was set to go to our board of governors in November for approval, but we paused because Bill 132 requires that policies specifically and solely focus on students. I think that we agree with the intentions behind this. However, we also feel that students would be best supported by a policy inclusive of the whole campus community.

We currently have a non-academic student code of conduct which covers sexual violence perpetrated by students and a workplace violence, harassment and discrimination policy which covers sexual violence perpetrated by faculty or staff. The questions that come up right now are: Do residence dons fall under student or staff policies? When a perpetrator is a faculty member, how do students know which policy to consult? When

our students drafted our new distinct gendered and sexual violence policy, it was important to them that it apply to everyone on campus so that the answers to these questions would be as clear as possible to survivors trying to navigate complicated university systems.

The policy we have drafted also emphasizes a survivor's right to choice—choice in terms of accommodations, supports, and reporting and disclosure options. We state that all survivors have the right to be integral decision-makers in situations pertaining to themselves. Survivors and our local sexual assault support centres have told us that this is incredibly important for people coming forward and seeking support.

One way that we work to ensure that survivors have choices when accessing supports is by working closely with our community partners. Many of our students choose to seek supports from the Sexual Assault Centre of Brant and the Sexual Assault Support Centre of Waterloo Region. Especially because of our relatively intimate campuses, we know that it may be more comfortable for students to access help away from campus or from an arm's-length support provider.

In Brantford, we have a service level agreement with the Sexual Assault Centre to help them help us. A staff member there spends 20 hours a week on campus as a counsellor and advocate.

In Kitchener-Waterloo, we are working on providing more resources to our local agency. Since student awareness of gendered and sexual violence has grown in our community, so has student need for counselling and 24-hour crisis support. The Sexual Assault Support Centre estimates that post-secondary students from the college and universities in our region make up 40% of their 24-hour support line phone calls, 25% of their counselling caseload, and one fifth of their public education resources.

We cannot support these agencies on our own. We need the government's assistance in ensuring that local sexual assault support centres have adequate resources to continue the great work that they do so that survivors can always choose who they want to ask for help.

Confidentiality is another primary need of survivors. Last year, a student came into my office with a cellphone to her ear. She came to see me because some level of trust had been established between her and I, and she had a friend on the line who had experienced some form of sexual violence. This friend did not want to share any information whatsoever about who they were or about what had happened. This friend did not even want to be seen. They wanted to make sure that they could make inquiries entirely confidentially, and they wanted to seek supports.

Through their friend, I made the bare minimum of inquiries: What type of support was she seeking, internal or external? I provided a referral and I made a connection between her and another support service. Though I did not interact with this student directly, it was clear to me that they were exercising an extremely great deal of caution in seeking help. I am deeply concerned that if I had been required to record any information at all, the

student and her friend might not have sought help from me.

We believe that survivors have a right to confidentiality and that they should be free to make inquiries and receive information with no record made of it if they so choose. One way to do this would be to make a distinction between formal reports and informal disclosures to allow survivors complete confidentiality and control when they are seeking supports or more information about their options.

We support the spirit of the legislation in relation to reporting and we believe that information about the nature and extent of the problem is incredibly important to creating solutions. To gain information about gendered violence that occurs on campus, whether it is disclosed, reported or never spoken of publicly, we also support the use of climate surveys. Climate surveys provide us with the opportunity to learn about sexual violence that's taken place that survivors may not want to speak about, about experiences that they have disclosed on a peer-to-peer level, and about experiences that are reported externally to agencies in our communities but not to us.

In 2015, the Social Innovation Research Group at Laurier completed The Change Project: Campuses Ending Gendered Violence. This project utilized a climate survey to gauge student attitudes, familiarity with services, and experiences with gendered violence. The recommendations that came out of this research are helping to shape our training initiatives. This research is rich; it is factual; it is meaningful. It's information for our students, their families, administration and faculty. The recommendations that came out—there were 10 of them—have become the mandate of our gendered violence task force.

Climate surveys allow us to see, measure and track the culture of gendered violence at our institution without creating a reporting burden for people who are in supporting roles—many of whom are students themselves, such as residence dons—and without creating barriers to students who are concerned about what might happen to any reporting data that's collected when they are simply seeking help.

We truly believe in a survivor-centric model when it comes to gendered violence. Students, student-survivors, expert faculty and our community partners have told us that this means providing survivors with choices when it comes to seeking help; making navigating university policies as clear and easy as possible; respecting a survivor's right to request supports confidentially; and learning about how survivors experience gendered violence in a meaningful and consensual way through climate surveys. This means balancing compliance with compassion for survivors every step of the way.

Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. In keeping with our practice, we have less than five minutes. This time it goes to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Lynn and David, for coming in. I really appreciated the

fact that MPP Daiene Vernile of Kitchener Centre and I made an echo announcement on your facility last week regarding the Sexual Violence Action Plan, and both of us were impressed at the time with the work that Wilfrid Laurier has been doing in terms of developing the sexual violence policy on campus, and also your work on this file in general, providing leadership to many of the campuses in our area.

1130

I wanted to ask you specifically what Wilfrid Laurier's experience has been in developing policies around sexual violence and how that has added to the conversation of prevention and awareness of this subject.

Ms. Lynn Kane: Actually, it started as a class project. They were researching sexual violence policies on campuses across the country. They became passionate in that class, and they were supported, after that class ended, by a professor in continuing their work. They requested to speak with David, myself and the dean of students about their work and told us that they would like to make the first draft of our policy. So we said okay. They did a wonderful job.

Their work was based on the Ontario Women's Directorate guide for colleges and universities. Since then, they've been involved in the back and forth, going through legal counsel, involving more students who are involved in the task force.

It has been a great opportunity in getting to know some of our students and their needs. Also, they are building confidence with administration that we're listening and that we're partners with them.

Mrs. Kathryn McGarry: When it comes to reporting on university campuses—universities, colleges and private career colleges—I know that the government has committed to some ongoing work with the reporting issues: that it's in context and that it's not going to compromise confidentiality of the students who may be disclosing or reporting. That's very important, really, to all.

In terms of going forward, do you have any more suggestions or can you clarify how you think that reporting should look?

Mr. David McMurray: Our intention, as it is now, is to have a button on the home page of our website related to all forms of gender violence support education. We think it's a valuable and meaningful tool for parents, for new students and for current students to look right at The Change Project, for example, which reveals a very widespread level of information associated with the problem and what's being done about it. We're proud to have that on the face of the institution—concern about eradicating and educating. We really think that the level of reporting and particularly disclosure will increase dramatically—we hope that it will—so that survivors can receive the level of support they need.

Ms. Lynn Kane: Quickly adding to that: A student survivor contacted me recently about this point specifically and said that it's not just reporting. Even if every-

thing is confidential, it's not just that; it's also the student's perception of reporting.

There's a history of perceptions of reporting that might make it feel unsafe still. We still have to have a range of options and really work on undoing some of the work that might have been done in the past about reporting so that it's not just about—even if it's guaranteed confidential, a student might not come forward if they perceive it not to be.

Mrs. Kathryn McGarry: I agree. In terms of looking at the complex issue of sexual violence, in particular how it pertains to campuses across Ontario, have you felt that the Who Will You Help? and It's Never Okay ad campaigns are helpful in trying to prevent it in the beginning?

Ms. Lynn Kane: I really like these videos a lot. We use them in our orientation. We did have pushback from men. They felt that it wasn't inclusive and they felt a little bit threatened by that. To me, that really emphasizes how important it is to make that a starting point to a much longer and ongoing conversation. For us, it's especially important to engage men in a meaningful and sustained way. Those videos got their shoulders up, so there's a lot of work that needs to be done to do more long-term programming with men.

Mr. David McMurray: We're working very closely with our community sexual assault support centre on a program called Male Allies Against Sexual Violence. Men are either violent, silent or making meaningful change. We certainly need to address the violent side, the predatory side, but we want to increase those who are silent towards making meaningful change. Those efforts are working.

Mrs. Kathryn McGarry: In terms of reaching out to the male population, certainly the program that you're talking about we had heard about when the select committee travelled to the Kitchener-Waterloo area. We had the program director out to speak to the committee—very, very valuable.

Do you have some early feedback now from the men who were threatened originally, but when they hear the statistics about the gendered violence against women and how pervasive it is, especially to females—do you find that there is any change in attitude? Are they getting it?

Ms. Lynn Kane: When I've had the opportunity to engage them—and it has often been when I've gone back to them with bystander training—men who were in that session have said, "You know, I felt weird about this." There's no violence against men shown in that first video, the Who Will You Help? video. They felt that meant that we were excluding them and that it didn't happen to them. It's something that we've had to pick up and be really intentional with, with our ongoing training. We've been able to have conversations about it. It has certainly sparked conversations, but it requires that extra.

The Chair (Mr. Peter Tabuns): I'm sorry to say: With that, we've run out of time. Thank you very much for your presentation.

Ms. Lynn Kane: Thank you.

Mr. David McMurray: Thank you very much.

The Chair (Mr. Peter Tabuns): I'd like to thank everyone who has presented today.

This committee is adjourned until—

Interjection.

The Chair (Mr. Peter Tabuns): Ah, sorry. We had one other speaker who was lined up: Algoma University

Students' Union. We weren't able to connect with them. They may be able to connect with us tomorrow, but today we weren't able to do it.

With that, colleagues, the committee is adjourned until 8:30 a.m. tomorrow at Queen's Park.

The committee adjourned at 1136.

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Vendredi 22 janvier 2016

Standing Committee on Social Policy

Sexual Violence
and Harassment Action Plan Act
(Supporting Survivors
and Challenging Sexual Violence
and Harassment), 2016

Comité permanent de la politique sociale

Loi de 2016 sur le Plan d'action
contre la violence
et le harcèlement sexuels
(en soutien aux survivants
et en opposition à la violence
et au harcèlement sexuels)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY****COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Friday 22 January 2016

Vendredi 22 janvier 2016

*The committee met at 0830 in room 151.***SEXUAL VIOLENCE
AND HARASSMENT ACTION PLAN ACT
(SUPPORTING SURVIVORS
AND CHALLENGING SEXUAL VIOLENCE
AND HARASSMENT), 2016****LOI DE 2016 SUR LE PLAN D'ACTION
CONTRE LA VIOLENCE
ET LE HARCÈLEMENT SEXUELS
(EN SOUTIEN AUX SURVIVANTS
ET EN OPPOSITION À LA VIOLENCE
ET AU HARCÈLEMENT SEXUELS)**

Consideration of the following bill:

Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters / Projet de loi 132, Loi modifiant diverses lois en ce qui concerne la violence sexuelle, le harcèlement sexuel, la violence familiale et des questions connexes.

The Chair (Mr. Peter Tabuns): Good morning. The Standing Committee on Social Policy will now come to order. We're here to resume public hearings on Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters.

We'll begin with presentations. Each presenter has a 15-minute time slot. They have up to 10 minutes for their presentation, and the remaining time may be used for questions from committee members. Members, if there are more than five minutes remaining in each time slot, we'll divide it among the three parties. Otherwise, we'll give it to one party in rotation.

MR. SA'AD SAIDULLAH

The Chair (Mr. Peter Tabuns): Our first presentation is Mr. Sa'ad Saidullah. Mr. Saidullah, if you'll have a seat and introduce yourself for Hansard. Please begin.

Mr. Sa'ad Saidullah: I've done that for Hansard.

Good morning. I thank you for the privilege of addressing your committee. Bill 132, which is An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters, is an important piece of legislation sponsored by

the minister responsible for women's affairs. This bill is said to be likely to become law on 1 July 2016, once it receives royal assent.

On the basis of the information provided to me by the office of the Clerk of the Committee, I believe that various other parts of legislation, such as family law, the Family Law Reform Act, the depiction of sexual violence in the media as evidenced in Judy LaMarsh's royal commission, and the report on systemic discrimination in the criminal justice system, which collected examples of sexual violence in the criminal justice system, have perhaps not been highlighted in the information provided to me.

Similarly, offices and officeholder functionaries such as the Ombudsman, privacy commissioner, the Public Guardian and Trustee, the client representatives in the Office of the Children's Lawyer and others in the public service and their originating legislation are not referred to or reviewed in Bill 132.

Although there is reference in the Private Career Colleges Act, 2005 that—there is no mention of the status of women offices, ombudsmen and women's safety offices at various colleges and universities that this Legislature has funded and provided financing for through the public exchequer. Their work is not alluded to, and in many instances, these positions, financed by taxpayers' funds, have been collapsed and the salary and budgets for these offices added to the base budget of the educational institutions.

For example, at the University of Toronto, across the street, the ombudsman, who was financed since 1975 through to 1976 and onwards, the status of women officer and the student-supported, as well as university-financed, sexual harassment office at the University of Toronto, known as SHOUT, are no longer in place and the taxpayer funds have been amalgamated into the base budget of these colleges and universities.

I wonder how the Legislature can afford to ignore the reallocation of these funds, the lack of disclosure, and the failure to review and report on the work of these offices to the Legislature once these offices and officeholders are no longer in place.

The police powers of colleges and universities are alluded to in Bill 132 in the collection, compilation and collation of data incidents of sexual violence. But the supervision and control of our men and women and their accountability for themselves for not committing sexual

violence has not been considered. There is reference to the statutory right to make regulation by the Lieutenant Governor in Council, for example, in schedule 3, subsection (9), but it is not entirely clear which level of authority or hierarchy in the educational system and other places will be involved in regulation- and rule-making. It is also not clear or sure what is meant by “supports” and “accommodations” relating to sexual violence, which is mentioned in schedule 3, clause (9)(e) and subsection 7(1).

Moreover, the collection of data and information from students and others is a rather widely distributed power being delegated to the Ministry of Training, Colleges and Universities.

The removal of a limitations period, which has barred compensation for victims of crimes, and changes to the Limitations Act, 2002, may mean that persons can be charged and become subject to legal proceedings many years later—even a lifetime or more later. Generally in tribunal board proceedings, the trend is to permit the tribunal board, such as the Criminal Injuries Compensation Board, to have discretionary authority to waive or condone the limitation period barred. That is, the tribunal board hears the arguments for condonation of delay to set aside the limitation expiry period on a case-by-case basis and then proceeds to hear the merits of the case and decides about the facts and the application of laws, rules, regulations to the facts of the situation.

Repealing limitations to allow for all sorts of litigation and to create opportunity for long-delayed claims, as opposed to permitting merely condonation of delay and authority to hear cases on matters to which laches is attached and the period of limitation has expired—which has been done in the past under the authority of the Legislature—delegated to boards and tribunals might, perhaps, be well worth considering.

The Legislature itself contemplates delegating regulation-making powers to colleges and universities for sexual violence incidents. Similarly, the delegation of authority to condone delay and waive laches might also be delegated to boards and tribunals, such as the Criminal Injuries Compensation Board, for victims of sexual violence.

Omitted from the preview of legislation and perhaps not brought to the attention of the members of the committee on social policy—and remain the focus of members of provincial Parliament and of this committee—appears to be the critical need to address the innate capacity of men and women in uniform, carrying handcuffs, manacles and weapons, moving around on motor vehicles, equipped with police cars and other motor vehicles at times, to inflict sexual violence of women, youngsters, teenagers, girls, minors, young boys and the elderly. In a sense, there is a significant omission in the proposed legislation in that the ability of security firms and armed guards which have proliferated and increased greatly in their numbers, mobility and capacity to inflict violence, including sexual violence, on all sections of society, including the elderly, the young and

vulnerable has not been looked at and examined, and this ought to be regulated, structured, checked and confined.

This is merely based on what has been provided, in terms of information to the public. It appears that the powers are perhaps not subject to citizen control of the Legislative Assembly of Ontario and that in the persons of armed guards and armed security personnel with weapons and lethal training, there might be controls that the Legislature has built in. But it appears, on reading this bill, as proposed, that scrutiny and control is not really something that this committee on social policy has looked at in this particular piece of legislation that has been proposed.

In terms of the media and its linkage with the committing of sexual offences, as demonstrated by Judy LaMarsh’s commission in the 1970s, I cannot see how and why there has been so much departure or deviation from the standards that the federal government laid down in its communications policy, media review and appraisal mechanisms.

I’m grateful that your committee is working on this Action Plan to Stop Sexual Violence and Harassment and wish you all success in the months ahead to achieve a fair and equitable society. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to questions. We have two minutes per party. We’ll start with the official opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Mr. Saidullah, for joining us today. You clearly have done a very, very comprehensive analysis of the legislation—probably more than we are able to digest—in all of the proposals that you’ve made today or the things that you’ve suggested that the bill may not address. I’m sure that the committee and the bureaucracy will be taking a look at the Hansard and reviewing what you’ve had to say here today.

But I do want to ask you in a general sense. In the Legislature, we’ve had pretty unanimous support for this legislation. We believe that it is a significant improvement over the status where we are today. Would you share that view, that there is progress being made with this legislation?

0840

Mr. Sa’ad Saidullah: I am not able to speak to that, because I actually don’t know how the legislation is presently being phased in. So I’m not able to speak to you as to what the impact is of the changes in the proposed legislation.

My sense is that, yes, the legislation is important. It’s high on the public agenda, and the Legislature and members of the committee have raised an important issue. But how it would work out in the actual implementation is for the Legislature and those who examine the impact of legislation to respond to. I don’t know, given what I know of the proposals at the present time.

Mr. John Yakabuski: But you have examined it quite thoroughly.

Mr. Sa’ad Saidullah: Yes, sir.

Mr. John Yakabuski: Do you have a view that what is in the legislation could, if implemented properly, result in an improvement over the circumstances envisioned today?

Mr. Sa'ad Saidullah: Yes, sir.

Mr. John Yakabuski: Thank you very much. I appreciate that.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Yakabuski. We go to the third party. Ms. Sattler?

Ms. Peggy Sattler: Yes, thank you very much for taking the time to come here today and for sharing your thoughts on the legislation.

You had some comments about the removal of the limitations period, and the role of the Criminal Injuries Compensation Board. In your review of the legislation, when you were looking through what is actually stated in the legislation, did you have some thoughts about a specific amendment that you would propose to address the concern that you raised? From what you said, my understanding was that you would like to see the Criminal Injuries Compensation Board have the ability to use its discretion to decide about the removal of limitations. Is that what you were proposing?

Mr. Sa'ad Saidullah: My sense is that many tribunals and boards have been delegated the authority or the power to condone delay. It's in the legislation for various social justice tribunals that exist in this province that there is a checkpoint: that if there is a delay, then you highlight it and then apply to the tribunal board.

In the case of the Criminal Injuries Compensation Board, the board itself might be delegated the authority, and you could therefore create or devise rules and regulations about what the condonation of delay would be.

Just entirely doing away with the section seems to me a rather strange thing, because that means it would open it—if the whole section is deleted, the Limitations Act does not apply. Then, presumably, it would be the same case as it is said to be for murder, where, if there is an allegation that someone murdered, you could be tried, as is presently the case, many years later. So it would be also for sexual abuse, so a person might be responding from retirement or having relocated and moved to another country.

I think a condonation of delay, or a mechanism of that sort—which does exist, so there is documented evidence as to how it works, because it is in place in various social justice tribunals—might be worth looking at.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, you're out of time with this questioner. We go to the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you so much for being here today. After hearing your presentation, I was hoping that you would comment on any specific language that you may want to see added to the bill.

Mr. Sa'ad Saidullah: It's not for me to suggest language. I actually, when I read the bill, find it difficult to understand, which I actually did have in my written thing. There are words used in terms of the Private

Career Colleges Act—"supports" and "accommodation" in terms of sexual violence—so I'm not sure what I understand or make of the terms "supports" and/or "accommodation."

"Supports," to me, suggests, if you are talking about sexual violence, things like corsets or trusses, or architectural features in a bridge, so I'm not sure what "supports" means, nor do I understand how the term "accommodation" is there in the bill. I don't quite understand what it would mean.

So I don't have suggestions—I'm not here to make suggestions—as to what the language should be. It's not really my work.

My sense is that when this bill actually is implemented in the form that lawyers or those who work in government would look at, it would be in the table of contents and it would just be in summary form—read this for that, and read that instead of this. It would be just a tabular sort of form that lawyers and those who are in the justice system would look at, including social workers. My sense is that the terms that I find most difficult to understand are "accommodation" in terms of sexual violence, and also the term "supports."

Ms. Harinder Malhi: How do you see this bill helping survivors?

Mr. Sa'ad Saidullah: I actually cannot speak to that. It's beyond my competence. I think for that you'd have to speak to those who are working with survivors of sexual violence in rape crisis centres, who are women and men, and their accounts as to how it would impact directly on their day-to-day work. I actually would not be able to address that.

The Chair (Mr. Peter Tabuns): With that, we're out of time for this questioner.

Thank you very much, sir, for your presentation this morning. We're going to go on to the next.

Mr. Sa'ad Saidullah: Thanks.

COLLEGES ONTARIO

The Chair (Mr. Peter Tabuns): Members of the committee, some people are not quite ready to present yet, but Colleges Ontario is here, so we're going to vary the order.

Colleges Ontario: Linda Franklin. Ms. Franklin, as you've seen, you have up to 10 minutes to present, and then we go to questions. If you would introduce yourself for Hansard.

Ms. Linda Franklin: Terrific. Thank you very much. Mr. Chair, members of the Standing Committee on Social Policy, I'm the president and CEO of Ontario's 24 colleges, and Colleges Ontario is the name of our organization. I'm really pleased to have this opportunity to speak to you today about Bill 132.

I'd like to give you our feedback on the legislation and the accompanying regulations and make some suggestions about how they might be enhanced, but first, a word or two about our activities in this area. As many of you will know, colleges are leaders in addressing concerns

about sexual violence on our campuses. It's a priority at every one of our campuses. When questions were first raised in 2014 about the need for stand-alone policies, Ontario's colleges responded immediately.

The presidents of the 24 colleges met to discuss an action plan and decided to work together. They developed a comprehensive and effective stand-alone policy on sexual assault and sexual violence. It was released by the following March. Our commitment was clear. We're committed to campuses that are safe and where everyone knows their rights and responsibilities. We're committed to ensuring that effective and immediate support is available for survivors of sexual assault and sexual violence. Our consultations included input from student leaders, legal experts, the Ontario Women's Directorate, OPSEU, government officials and others.

Building on existing policies and practices, our policy and protocol provides precise definitions of sexual assault and sexual violence, sets clear standards for reporting and responding, and establishes clear processes for complaints and investigations, many of the things the legislation in front of us today requires. The policy also includes measures to ensure that individuals who make complaints are protected from reprisals, retaliations or threats. Our policies and protocol have been a template that has been used across the country. Ontario has led in this initiative and many of our provinces are following us now.

Our colleges support the action that has been taken by Queen's Park on this issue, and I'd like to commend all of you for the work you have done. The ads created by the government were very powerful, and MPPs from all three parties have played a leading role in raising awareness of this issue and the need for change. To me, it's bipartisanship at its very best on an issue of critical importance.

Our colleges will continue to ensure that we are fulfilling the expectations and requirements of the government's action plan. Last summer, we ran two train-the-trainer workshops on bystander intervention and offered to help colleges prepare for student orientation. As a result, the colleges also ran awareness campaigns as part of orientation in order to teach students how to look out for each other and prevent unsafe situations. To help staff in community colleges understand sexual violence policies and protocols and their obligations, two more colleges stepped forward and developed an online training module that was available and used by all colleges.

We fully support the government's action plan to end sexual violence and the introduction of Bill 132 as an important part of that plan. Recently, our task force went through the bill and the regulations, and we have a couple of suggestions.

One area—the only area really—in the bill that I would like to highlight is with respect to schedule 3 of the bill, section 17(3)(a), which says that every college or university shall have a sexual violence policy that “specifically and solely addresses sexual violence involving students enrolled at the college.” We think the

intent of this was to say that the policy had to be solely a stand-alone sexual violence policy, but in fact, our lawyers suggest that how it actually reads is that the policy is solely about students. That concerns us, because we think it's confusing for students who may be employees of the college to know where they should go and what policies apply to them, and we think, frankly, that a stand-alone policy on sexual violence that applies to our entire college community is going to be more effective. Otherwise we're going to have to produce parallel policies that address themselves to others other than students. I'm not sure that that was what was intended, so we would respectfully request that the words “and solely” be removed from that section, or that the language be tweaked to make sure it applies to “solely” about sexual violence.

0850

The other thing we'd like to talk about is better reporting requirements in the bill. A great deal of care has gone into creating the requirements to make sure they serve the best interests of survivors of sexual violence, but there are some comments about the regulations that MTCU will be developing that I'd specifically like to address. First and foremost, college policies and protocols are intended to support students who have experienced sexual violence and harassment, and reflect a victim-led or survivor-led approach. This means that, to the greatest extent possible, the wishes of the person experiencing the incident must be respected.

However, it must be recognized that there are some limits to the college's ability to respect these rights. For example, if a survivor requests that an incident not be investigated, the college administration may not be able to fulfill this request if the alleged aggressor is a threat to others. A college has an overriding duty to protect the safety of the campus community. It is essential that the regulations not restrict our ability to carry out that duty. Of course, the survivor still has the right to refrain from participating in an investigation.

I'd like to now speak about a requirement that may be a bit overly prescriptive. These incidents are very personal and individual, as you know, and colleges treat them that way. Asking us to list the full range of measures to be taken and supports to be provided to a victim, as the regulations now envision, may limit our capacity to implement measures and supports that best respond to the needs of individuals. Imagine trying to produce a laundry list of all of the varying measures you may take when it relates to a particular individual that might have very specific needs. Our suggestion is that we be asked to provide a list of the sorts of measures that we would take, but that those not prevent us from taking other measures. It ought not be a list that excludes other options.

We are also aware that there may be incidents involving students and employees. We would ask your legal experts to make sure that there are no conflicts between the requirements of the new regulations and the requirements of the Occupational Health and Safety Act and the workplace violence act. Those two acts have to work

together, and so we just want to be sure that this act has precedence.

Lastly, I'd like to raise one important point about college processes and approvals of this policy. Colleges recognize that good governance practices are pretty critical to the effective management of any institution. We offer a highly-regarded training program on good governance for our boards, and we've had requests for that program from a number of outside agencies, including from the Bank of Canada.

Right now, we know—all of us do—that colleges have appropriate policies in place. We know that because boards require of their presidents that they put those policies in place. So it's the board's responsibility to make sure that the senior staff are putting appropriate policies in place. If the board were asked to approve every policy and process in detail, the board members would be inserting themselves into the operational details of the college—areas that they're not really as cognizant of as the senior staff and not as equipped to comment on. So it should be up to the board to require the CEO to carry out these duties. We urge you to make this a requirement of the legislation, rather than asking that the boards each approve every word in the actual policy itself. It's really in the service of good governance.

Finally, I just want to highlight that colleges are committing significant resources to the many steps we are taking to create safer campus communities. We are supportive of this legislation and everything it involves, and the direction in which it takes the government. It's a priority in Ontario, and we applaud that.

I would urge the government to think about investing in the initiatives at colleges. Currently we have done all of this work without a single dollar from government. We're proud of that and we're capable of it. But going forward, the supports that victims and survivors will need will probably need engagement from government as well.

In closing, I would just like to thank you for your time and for your commitment—all of you and all of your parties—to this particularly important issue. Thanks very much.

The Chair (Mr. Peter Tabuns): Thank you very much. First question goes to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you very much for being here today, for your presentation and for your leadership in what the colleges have done to address this issue when it first emerged.

I have a question: You mentioned that your template policy included clear definitions of sexual violence. There is a definition of sexual violence included in the legislation. This is our third day of public hearings. We've had some feedback about changing the definition to reflect the fact that sexual violence is often associated with intimate partner violence or domestic violence. Did you have any discussion at the college level about reflecting intimate partner violence or including it in the definition of sexual violence?

Ms. Linda Franklin: No. We thought in our protocol our definition was broad enough to cover those areas. I

don't think we have an opinion on whether or not you should add those.

Ms. Peggy Sattler: Okay. You talked about the role of the board and your concern about making the board responsible for approving the policy. Were you referring to some specific section of the bill?

Ms. Linda Franklin: Yes. I'm struggling now to recall but there is a specific section of the regulation that MTCU is developing that says specifically that the board needs to approve these policies.

Ms. Peggy Sattler: And you want it to be that the board, through the CEO, is—

Ms. Linda Franklin: Exactly, or that the board require the CEO to have these policies in place.

Ms. Peggy Sattler: Finally—as I mentioned, this is our third day of hearings—we've heard consistently a recommendation that the section that details the information to be collected by the minister—that the vehicle for collecting that information be a climate survey of post-secondary students. You didn't mention that but do you have any views on a climate survey as the tool to collect the data?

Ms. Linda Franklin: Actually, our group, which includes the former head of the metro Toronto police task force on sexual violence that investigated the Jane Doe case—we don't agree with that proposal.

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you've run out of time with this questioner. We go to the government. Ms. McGarry?

Ms. Linda Franklin: More to come.

The Chair (Mr. Peter Tabuns): More to come.

Mrs. Kathryn McGarry: There's never enough time, I can assure you of that.

Ms. Linda Franklin: It's so true.

Mrs. Kathryn McGarry: But thank you for your presentation today. In the presentation you talked about how OHSA and Bill 132 need to work together. Certainly the OHSA regulations do cover employees on campus, as we know it now. The students were not covered—and are not covered until, hopefully, this bill passes—in order to have their stand-alone sexual violence policy. I know that there's been a lot of discussion on how these two are going to work together, and we've heard from a number of different campuses.

My question is: Do you have any specific language that you would like to see included around having those two acts—and also the workplace violence act—work together to cover everybody?

Ms. Linda Franklin: You're a little ahead of us. We do have one of our lawyers looking at that wording now.

The real concern for us is just—you're right, this policy would cover students, but a good number of students, especially on college campuses, are also employees of the college. It's that clarity that we want to fix.

Mrs. Kathryn McGarry: Yes. So any suggestions further, because we will be doing further work on that? That specific part would be very helpful.

Ms. Linda Franklin: I'm very happy to do that.

Mrs. Kathryn McGarry: Please do that.

The other thing I wanted to address was the stand-alone policies. I know that we've heard from many student groups and campuses that are very happy to have their stand-alone policy that's unique to each campus because they have their own student bodies, a certain culture and certain demographics. They're very happy to work on that one for that campus. When that comes to being approved by the board, I believe that's why the students would prefer that. Can you clarify what you mean again—

Ms. Linda Franklin: Sure. So just to clarify, we produced a policy and protocol that every one of the college campuses used, but each one of them, when they got that, went out for consultations on their own campuses. Many of the policies—

The Chair (Mr. Peter Tabuns): Again, I'm sorry to say, you're out of time with this questioner. I urge all questioners to have short questions. Ms. Scott.

Ms. Laurie Scott: A very quick thank you for your leadership. The colleges were first off the mark in the select committee presenting before us and going out to their campuses and forming a policy. I really appreciate that.

I'm going to follow up a little bit on Ms. Sattler's question about the climate survey, because we heard a lot from the universities about not really wanting the mandatory reporting and just a climate survey. I will let you have your time; please comment.

Ms. Linda Franklin: There is nothing wrong with surveys, obviously. We survey our students about everything all the time. I think they're surveyed to death, frankly. Part of the challenge, I think, is that oftentimes it's easy to manipulate surveys and I don't think you always get hard information from them. I think it's good to give you a general sense of the world, but if I were a survivor of a sexual assault I would want to know that if I brought information forward, somebody was making sure that it was documented that there had been an incident and that it had been investigated. If I wanted to go back—I had a woman come to me and tell me that she had, years ago, complained of a sexual assault on campus. To this day, she has no way of knowing what was done, whether it was done or who took care of it.

0900

I think there is value in hard data and information so that if sexual assault victims/survivors want to know that their incident was investigated, there's a way into that information. I think it's imperative that the campuses—I know there are challenges, because if you start to say, "I've had 15 investigations," you could, as a member of the general public, feel, "Oh, my God! That campus is really unsafe," when, actually, what it means is that that campus is doing a great job of making sure that survivors come forward.

I think that we're going to have to manage that, but I don't think it mitigates against the need to have reporting that's very specific.

Ms. Laurie Scott: Thank you.

The Chair (Mr. Peter Tabuns): And with that, your time is up. Thank you very much for your presentation.

Ms. Linda Franklin: Thanks very much.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Peter Tabuns): Members of the committee, we are going to vary the order again, at request. Could we have the Elementary Teachers' Federation of Ontario come forward?

As you may have seen already, you have up to 10 minutes to present, followed by questions, and if you'd introduce yourselves for Hansard.

Ms. Victoria Réaume: Thank you very much. Good morning. I am Victoria Réaume, the general secretary of the Elementary Teachers' Federation of Ontario, or ETFO for short. I'm here today with Valence Young, our staff specialist on health and safety matters, and Carol Zavitz, our staff specialist from our equity and women's services department. Thank you for granting us this time.

For those of you who don't perhaps know ETFO that well, we represent 78,000 teachers and other education workers employed by English-language public school boards. Of note, 80% of our members are women. We appreciate the opportunity to participate because the issue of sexual violence and harassment is very, very important to us and our members.

We have long represented women, our members who have experienced sexual harassment and sexual violence in the workplace and, indeed, in their homes. Our members also have direct contact with violence against women through their work, of course, with children and with families affected by violence against women.

We applaud the vision of the women's directorate and the government in moving forward with It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment. The television ads are excellent, and we're happy to see that they've gone viral. We urge the government to implement a sustained multimedia plan because a profound change in public attitudes is indeed necessary, as indicated in the action plan. We wholeheartedly agree with this.

Bill 132 is an important element of the action plan, and the purpose of our submission, which has been distributed to you, is to set out ETFO's concerns about workplace violence and harassment in our workplaces and to provide you with some of our recommendations to strengthen Bill 132. Many of the issues we address relate to the absence of definitions for various forms of workplace violence, a problem that gets to the core of whether the bill's proposals will have meaningful effect.

Bill 132, in its structure, attempts to build on the more general structure of protection in the workplace against workplace harassment and violence established with Bill 168 and the changes to the Occupational Health and Safety Act. We're concerned that the current provisions for workplace harassment and violence have not been sufficiently effective in protecting our members. Through

its action plan, we believe the government has acknowledged the gaps and that changes need to be made.

We feel that the current gaps can, in part, be attributed—perhaps in large measure—to the lack of workplace violence and harassment training for supervisors and workers and the lack of employer and government resources to support the implementation of effective workplace violence and harassment policies and programs.

We've identified seven key issues in our submission on page 3. I won't repeat them here, but I will touch briefly on our issues about definitions.

"Workplace sexual violence" and that definition: The terms "workplace sexual violence" and "workplace sexual harassment" are not currently included in the definitions or the requirements for workplace violence and workplace harassment under the OHSA. The current provisions of Bill 132, as proposed, would incorporate "workplace sexual harassment" into Bill 132, but would continue to exclude a definition of "workplace sexual violence," and we think that this is a problem. We're concerned that this distinction will be interpreted to erode the meaning and the capturing of the prohibitions against sexual violence in the workplace. We say this because several adjudicators have interpreted the harassment provisions of the OHSA quite narrowly, giving a narrow scope of responsibility on employers as compared to the OHSA's violence provisions. Ontario Labour Relations Board jurisprudence has suggested in some rulings that the OHSA requires only that an employer establish a policy, and not that the employer must provide a harassment-free workplace. Those two are very different.

This has been contrasted with the violence provisions of the OHSA, which are more extensive in terms of requiring that employers ensure through risk assessment that the violence policy and program continues to protect workers from workplace violence. We feel that it's important to include in Bill 132 these types of provisions, so that the employer is obligated to provide a harassment-free and violence-free workplace.

By including workplace sexual harassment and excluding workplace sexual violence definitions, we feel that Bill 132 will fail to enact the goals the government has espoused in introducing it. In our recommendation number 1, we recommend that the OHSA be amended to include a definition of sexual violence in the definition of workplace violence. This is a position that was supported by the Select Committee on Sexual Violence and Harassment. We note that elsewhere in Bill 132 there are definitions of sexual violence, so we feel that it is best to create consistency between the various statutes and action plans. Our comments, of course, relate only to the OHSA.

Workplace sexual harassment: In seeking to amend the OHSA to include a definition of sexual harassment, Bill 132 incorporates a section that mirrors the general definition of sexual harassment, as set out in the Ontario Human Rights Code. We feel that it's good to be consistent. It includes a portion of the protection against

sexual solicitation from the code. However, it is missing a key ingredient. As the action plan has already noted and as statistics show, these crimes are very unreported, and this is a problem. We wonder why the important definition for protection against reprisals has not been included in Bill 132. Section 7(3)(b) of the Human Rights Code is a protection against "a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person." This is an extremely important protection, and will encourage people to come forward without fear of reprisal.

We recommend that the new OHSA definition include all relevant components from the Human Rights Code definition for sexual harassment, including that protection against reprisals in the workplace, to avoid narrow interpretations that might arise from this inconsistency.

Domestic violence in the workplace: Despite the fact that domestic violence has been included under the OHSA's workplace violence provisions since 2009, the act lacks a definition of domestic violence in the workplace. In our recommendation number 3 in the paper that has been distributed, we propose what we believe should be included in such a definition.

There's another aspect that we'd like to address: violence and harassment that is work-related but does not take place on work premises. The OHSA definitions of workplace violence and workplace harassment only reference conduct in a workplace, a limitation and a gap that is not addressed by Bill 132. When it comes to addressing workplace violence, ETFO believes that harassing or violent conduct that arises out of a relationship in a workplace or through work-related activities needs to fall within the scope of protection.

In the school setting, for instance, there is specific recognition in various pieces of legislation that harassment and bullying arising even outside the school environment may come into the school and may require being specifically included. We gave you a couple of examples. The provincial code of conduct establishes standards for student behaviour when they are at school, on school buses, at school-related activities or in other circumstances that affect the school climate. The Education Act's definition of bullying extends to cyberbullying, which also takes place off-site. That's an important protection, because these things do impact on school communities.

0910

The Ministry of Education's provincial model for local police and school board protocols also addresses incidents that happen at school, during school-related activities in or outside school, or in other circumstances, if the incident has a negative impact on the school climate. We're asking you to consider expanding that definition, so that it does capture harassment and violence that impacts on the school environment, and those are the models that we recommend you look to if language changes are being examined.

With respect to workplace harassment programs and duties, the scope, as we've already said, of protection under the OHSA is broader for workplace violence in some—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time.

Ms. Victoria Réaume: Okay.

The Chair (Mr. Peter Tabuns): Questions go to the government. Under our rules, you have five minutes. Mr. Anderson, if you'd like to start.

Mr. Granville Anderson: Good morning. Thank you very much for your presentation. I see you have done due diligence on this bill. You've done an excellent job of delineating the bill for us.

I come from a background of being a school board trustee etc. During the presentations we have heard over the last couple of days—I know you touched on this a bit—do you think there is enough protection in the school as it now stands? I know the bill covers colleges and universities. Do you think this should be expanded to cover elementary schools and high schools as well?

Ms. Victoria Réaume: We do, through those amendments to the Occupational Health and Safety Act. One of our priorities is about appropriate training in the workplace, about gathering statistics and about informing joint health and safety committees in the workplace in order to ensure that there is knowledge, gathering of statistics and action plans in school places.

Mr. Granville Anderson: Okay. I know you have elaborated a great deal on aspects within the workplace in general. How do you think we can strengthen this bill to protect workers within the school system, in general?

Ms. Victoria Réaume: We've set out a number of recommendations in our report. They have to do with making sure that the definitions are properly included in Bill 132 and that these make amendments to the Occupational Health and Safety Act that are consistent with the aims of the plan and also with the Human Rights Code. That's why we've made that reference to a number of other statutes. We feel that external activity that impacts on the school climate in terms of violence and sexual harassment must also be recognized and captured in Bill 132.

Mr. Granville Anderson: You've also touched on the training of management and staff, as well. How would you go about formulating that training? What would that training look like?

Ms. Victoria Réaume: We feel that training needs to start now, and it needs to be consistent and coherent across the province. To that end, resources are needed in order to ensure that supervisors in the workplace—principals and others in a supervisory capacity—are actually trained to act expeditiously, to have the training that's necessary to spot these incidents and to take very prompt action when they become aware of such incidents.

Mr. Granville Anderson: I could go on all day, but my colleague would like to ask you a question as well.

The Chair (Mr. Peter Tabuns): Ms. Malhi.

Ms. Harinder Malhi: I wanted to talk a little bit more with student focus. I know you've talked a lot about teachers and training employees. With the new health and physical education curriculum that our government has introduced, I would like you to comment a little bit more about the changes that it will bring among students around consent and healthy relationships. We're hoping to create a generational change and we're hoping to change attitudes. How do you feel about the changes to the curriculum?

Ms. Victoria Réaume: We applaud the changes to the curriculum. We feel they're long overdue. We realize that there has been backlash against these changes, but we believe that starting with young children and giving age-appropriate education in these crucial areas—especially in the area of consent and what it means—is groundbreaking work. It must start in the elementary schools.

Our teachers, of course, will roll out that curriculum. They do need training, because it's a sensitive area. They need extensive support in the schools to make sure that the curriculum is carried out and they themselves are not attacked for delivering that type of educational program. But we wholeheartedly agree that consent and the understanding of it should be the seed that carries through the entire program.

Ms. Harinder Malhi: Thank you so much.

The Chair (Mr. Peter Tabuns): Ms. McGarry, you have the last question.

Mrs. Kathryn McGarry: A quick question regarding the ad campaign It's Never Okay and also the hashtag #WhoWillYouHelp. Do you feel that's beneficial to your members and to your population at the school?

Ms. Victoria Réaume: We feel that these are very, very instrumental. We really applaud the ad. We think it was daring and bold and necessary. However, we do say, in our recommendations, we urge you to adopt a sustained multimedia plan in order to effect this profound cultural and attitudinal change.

We love the ad and we hope that you will do more and that it will be sustained over many years and in a multi-pronged approach using social media.

The Chair (Mr. Peter Tabuns): With that, we wrap up. Thank you very much. It's been a pleasure to have you here today.

Ms. Victoria Réaume: Thank you very much.

COUNCIL OF ONTARIO UNIVERSITIES

The Chair (Mr. Peter Tabuns): Colleagues, we'll go now to the Council of Ontario Universities, then followed by Womenatthecentre.

Council of Ontario Universities, as you're aware, you have up to 10 minutes to present, followed by questions. When you have a seat, introduce yourself for Hansard, and we'll go from there.

Mr. David McMurray: Thank you very much. Good morning, and again, to the members of the committee, I'm David McMurray and I'm the vice-president of

student affairs at Wilfrid Laurier University. My colleagues are: Dr. Janet Morrison, vice-provost of students at York University and member of the COU reference group on sexual violence; and Lisa Rae, senior policy analyst of the Council of Ontario Universities.

Ontario universities stand behind Bill 132 and the Premier's action plan on sexual violence to eradicate sexual violence and harassment in all parts of life, including universities in Ontario which have been collaborating very closely with students and our community partners to develop policies on sexual violence and on improving and enhancing the support services and prevention programs that are available.

We have several suggestions today that we feel would help strengthen Bill 132. These suggestions focus on where the bill will impede a university's ability to respond and to offer services to survivors in a way that is in-line with research and best practices. We know that students and members of the violence against women—VAW—community also share many of these concerns.

Our first suggestion is with regard to the scope of the sexual violence policy, schedule 3 of Bill 132. The current scope of policies on sexual violence required by the bill for colleges and universities is explicitly focused on students. At universities, the lines between students, faculty and staff may be blurred, and members of the community may not fall neatly into one category. There is much overlap. Students may be teaching assistants, which makes them employees, and staff may take courses, making them students.

The exclusion of certain members of the campus community, staff and faculty is problematic because among other challenges it means that a survivor may be subject to different policies or procedures depending on their affiliation to the university at a given time. This could be particularly problematic where a survivor is both a student and staff, such as in the case of many graduate students or undergraduate students who secure part-time employment on campus. Universities may also be faced with competing compliance issues when, for example, a report of sexual violence involves a student survivor and a member of faculty or staff.

We also know that students, faculty or staff may perpetrate sexual violence and harassment. A survivor-centric approach, which affords all members of our community impacted by sexual violence with a clear, consistent, timely and high standard of response and support regardless of whether they are staff or students, is our preference.

Universities believe that a policy that applies to everyone will alleviate the potential for policy loopholes, confusion and assist universities in communicating to their communities that sexual violence will not be tolerated and that there are supports, resources and avenues for complaints available to all survivors that are members of the campus community. We recommend that the committee amend the bill to expand the scope of the university and college policies required under to include

the entire community, including students, faculty and staff.

Janet?

0920

Dr. Janet Morrison: Good morning. I wanted to comment specifically on reporting, disclosure and survivor choice. Having worked in student service on college and university campuses in Canada and the United States for over 25 years, I know from personal experience that survivors need choices and control over outcomes to process their experience and move forward. This is supported by research and advocacy from the violence against women sector, which shares the view of the Council of Ontario Universities that Bill 132 could be strengthened if a clear distinction was made, both in the legislation and in related regulations, between reporting and disclosure.

Specifically, it is imperative that survivors of sexual violence be afforded the opportunity to report sexual violence formally to the university, which involves an expectation that formal action be taken against an alleged perpetrator and that processes will proceed and/or to disclose experiences of sexual violence confidentially. This would be, for example, where a person who experienced sexual violence may not be seeking a formal resolution, but rather is seeking support and an opportunity to discuss various options, including filing a formal report.

The concern is that a failure to make this distinction in the legislation and regulations may discourage survivors from coming forward because, for example, they fear public shaming, judicial processes and/or police involvement. This runs counter to a survivor-centric approach. We must recognize that for many, support and recovery is found in a caring, confidential and safe space. This can be done with or without a formal report through on-campus resources or in partnership with off-campus community VAW partners.

When a survivor wants or needs help, but doesn't want to file a formal report, universities must be empowered to respond in ways that respect the survivor's wishes and best interests. This may make the formal reporting of information relative to the number of times supports, services and accommodations very difficult, particularly given the government's stated commitment to privacy.

Ms. Lisa Rae: Thanks, Janet.

The absence of a distinction between reporting and disclosure is particularly apparent in the section of the bill that will require colleges and universities to collect data and information to report to the minister, which may extend to the public. Universities support the spirit of this intention. There is a desire to understand the scope of the problem, to have assurance that students are accessing and receiving the supports they need and that universities have education, awareness and training in place. Universities share these concerns.

We think that hard data should be tracked and reported for official complaints, formal reports and reports to campus police or security where the survivor has an

expectation that action will be taken by the university. However, we know that counting the number of times that supports are accessed will not provide an accurate measure of the problem of sexual assault and sexual violence. Research shows that there are many reasons that people do not report incidents to authorities, including campus authorities and police. Concerns about privacy and confidentiality are cited as one of the key reasons that survivors do not come forward to any services.

Even if privacy concerns could be mitigated, we also run the risk of inadvertently penalizing those institutions that are doing the best job of creating supportive services in an environment where survivors feel supported and where they can come forward.

For these reasons, universities are advocating for a multi-pronged approach to reporting. We are advocating for the development and deployment of a campus climate survey. In addition to providing a more reliable and valid picture of prevalence, a climate survey would also allow universities to dig deeper to understand the attitudes, experiences and behaviours of students and campus community members. Campus climate surveys can also serve as an educational tool about the services and supports that are available on campus.

Faculty experts in violence against women have been working on recommendations for a climate survey that will be shared with MTCU soon. This could allow for the collection of data about service use and sexual violence in a consistent manner across universities and also allow for customization to account for the unique structures of each university and campus. A climate survey will produce far more reliable information than counting service use. It also does not run the risk of inadvertently deterring survivors from coming forward and seeking the supports they need.

While outside the scope of the bill, we wanted to note that by increasing awareness of services and supports, we will increase demand for community resources, particularly those in the violence against women sector, whose funding is insufficient and insecure. Community services and hotlines are essential for providing 24-hour supports to students and all survivors. Universities know that students and university members access these supports and that usage may increase as these services are further promoted by universities. To honour our commitment to survivors, we'd like to echo the statements made by the violence against women sector on this front and draw public attention to what could become a significant access issue.

Mr. David McMurray: In closing, we'd like to ensure that the committee is aware that universities are in the unique position, in some cases, of having both parties to a sexual violence complaint as members in their communities. It is therefore important to recognize that universities have a responsibility first and foremost to survivors; universities have a responsibility to community safety overall; and universities have an obligation to ensure due process and procedural fairness.

We'd like to thank you for your commitment to improving the legislative framework for supporting survivors of sexual violence, and then the very challenging sexual violence and harassment issues that are systemic in Ontario and the world. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. We'll go to the official opposition. Because of the brevity of time, you'll have five minutes.

Mr. John Yakabuski: Thank you very much.

The Chair (Mr. Peter Tabuns): We won't be circulating to the other parties.

Mr. John Yakabuski: Thank you very much for your presentation this morning. We very much appreciate you joining us.

We've heard from a number of individual universities on this subject as well, over the last couple of days at the committee. But we heard a different viewpoint this morning from Colleges Ontario with regard to the climate survey versus mandatory reporting.

Certainly, when I listened to what their presentation was, I understood their concerns with what could be considered the inadequacy of a climate survey versus mandatory reporting. What you articulated about respecting the right of the victim to privacy is paramount, I think, because the victim has to be the number one priority in cases such as this, and they have to be significantly involved in the solution and how it is dealt with, because, clearly, they're the ones who are most affected.

As Ms. Franklin said this morning, they had a concern about the climate survey being skewed because surveys are, by their very nature, sometimes subjective. Right now in the bill, it would require mandatory reporting of incidents. I don't know that it's about the details of all of the incidents, but it is the number, and I think it is a way of tracking how any particular institution is dealing with the incidents within the boundaries of their responsibility.

Maybe you could elaborate on why that is more of a challenge, and why you think that's not the way to go.

Dr. Janet Morrison: I'm very proud of York University's leadership on reporting, speaking on behalf of the sector. But by way of example, York does occurrence reporting. We issue bulletins and we do currently report on occurrences.

What I would say is that the Council of Ontario Universities is advocating for a matrixed approach. We're not arguing against the reporting of occurrences. We think that if the objective is to support survivors but to also work towards the elimination of gender-based violence on our campuses, then you really need to understand the systemic cultural pieces of the puzzle, and that a climate survey is the best way to do that.

No doubt, there are problems with surveying, and our students are very much surveyed regularly, frequently. But we also know that we have tremendous expertise in this province to develop tools with a high rate of efficacy.

To be clear, the concern is not about the counting of occurrences; we're happy to do that, and we think it's important. But we think that needs to be complemented

by climate survey data that not just our students and our administrative staff can use to do better, but also members of the public, prospective students, parents.

The holistic assessment of what's happening and what opportunities are available for both community and non-community members—we think that combined matrixed approach makes most sense.

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Mr. John Yakabuski: Another general question, more of a general question—it's one that I have a hard time getting my head around why we're still here. Without dating myself, as I said to one of the other deputants, I was in the post-secondary environment 40 years ago. We knew right from wrong then, and right and wrong haven't really changed. It's not just the university environment, but you folks see that demographic more clearly than any one of us could possibly see it. By the time someone reaches post-secondary studies today, they're inundated, or they should have been—if they're not, they've been living under a rock—with how wrong sexual violence, sexual harassment and sexual assault are.

Can you put your finger on why we're still here trying to pass laws to deal with this? I would say, for 40 years, we've failed.

Mr. David McMurray: I think it's very safe to say that men are the problem. I'd start there, with the fact that women have been fighting against sexual violence and harassment for thousands of years and men haven't taken up responsibility like they need to.

I mentioned yesterday that men are either silent, violent or making meaningful change. We need to hold those who are violent accountable; we need to, through bystander training and other means, reduce the number of men who are silent; and we need to celebrate and champion those who are making meaningful change and have more of them out there.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say that we're out of time. Thank you very much for the presentation today.

WomenatthecentrE

The Chair (Mr. Peter Tabuns): We go now to WomenatthecentrE.

As I'm sure you've heard, you have up to 10 minutes to present, followed by questions. If you'd introduce yourselves for Hansard, we can go from there.

Ms. Nneka MacGregor: Good morning. Thank you very, very much, and apologies for being late this morning. My name is Nneka MacGregor and I am the founder and executive director of the organization called Women's Centre for Social Justice. We're better known as WomenatthecentrE. I'm here today with our board co-chair, Dr. Tope Adefarakan. We're here today, as women survivors of gendered violence, to speak to the need for more and better inclusion of the expertise of those of us who have lived the violence that is at issue.

WomenatthecentrE is a non-profit, unique organization. By unique, I mean that we're the only incorporated organization that is by and for women survivors of gendered violence. While Dr. Adefarakan and I are speaking here today, we want to say that these comments and recommendations come from extensive input from other courageous women survivors who couldn't be with us today. I want to acknowledge some of them: our other board co-chair, Veronica Campos; directors Christine McCaw, Alex Plegas, Esther Addo, Claire Crossley and Betty Makoni; as well as the executive members of our Sexual Violence Survivors Action Committee.

I want to start with a quote by Martin Luther King Jr., who said, "Our lives begin to end the day we become silent about the things that matter." It is precisely because our lives matter that we, a growing network of diverse, courageous and thoughtful survivors, have come together, vowing not to remain silent any longer, but rather to amplify our voice and share our experience and expertise so that all women can live lives that are free from violence, with dignity and with respect.

We want to acknowledge the government's efforts in bringing the Sexual Violence Action Plan forward, as well as this legislation. I know that they've done this by working together with many advocates in the violence against women sector, individuals and organizations whose relentless activism is behind many of the improvements we see today in women's lives. However, we know that what had been lacking until then was a mechanism through which we, the women with the lived experience of the violence, could use our voices to influence policy and programs.

That mechanism is here now, in this organization, WomenatthecentrE, and we have been closely following the developments across the province since the action plan was launched in 2011. We've been looking at ways to ensure that the expertise of survivors is present in the development and implementation of all policies and programs coming out of the plan, as we know that we, the experts, are the ones best positioned to identify the most effective supports and strategies that will positively impact women, bring about law reform and change the public mind on how it views the multiple forms of violence committed against women, on individual as well as on systemic levels.

We continue to speak up and to speak out, as survivors, about the lack of a coordinated response in the way sexual violence and harassment is being addressed in the province, an approach that, if it is addressed as we are proposing, we believe would greatly improve supports to survivors and lead to greater system accountability. Our position is based on an understanding of the three key tenets that are the basis of our submission:

—first, that no matter her race, ethnicity, economic or other circumstance, all women's lives matter all the time;

—secondly, that the survivors are the true experts and have a central role to play in identifying, developing and implementing policies and programs to address sexual violence and harassment in our communities; and finally,

—that all systems, not just health care and criminal justice, but obviously education and our employment spaces, need to be more responsive to the needs of people who experience sexual violence and harassment.

We once again commend the province on its trailblazing sexual violence and harassment action plan and are in full support of many of the proposed amendments under Bill 132, in particular—and I'm just going to go through and identify some of the key areas: schedule 1, the proposed amendment to the Compensation for Victims of Crime Act, removing the limitation time period; and schedule 2, the Limitations Act, to provide that there is no limitation period in respect of proceedings based on sexual assault in specified circumstances or other misconduct of a sexual nature. I want to say very specifically that we're particularly supportive of the addition of the statement, "a proceeding based on any other misconduct of a sexual nature if, at the time of the misconduct, the person ... was a minor" or in some other kind of fiduciary relationship.

We want to talk about the definition of sexual violence and note that the actual definition, whilst consistent throughout the bill—we feel that it would actually benefit by including the statement "misconduct of a sexual nature" in it.

I'd like to give an example of why we feel that this inclusion is important. We are advocating for the broadening of the scope of this definition and explicitly including the language being proposed under the Limitations Act, "other misconduct of a sexual nature." By way of example, we know of far too many women who have been sexually violated in ways that fall outside the scope of the currently proposed definition, including one recent example of a survivor whose assailant, a co-worker, had been caught on video numerous times masturbating while in her office and ejaculating into her drinking cup. He was actually charged with a minor offence of mischief to property under the Criminal Code. These charges fail to address the sexual nature of this type of conduct. We feel that including "misconduct of a sexual nature" would actually broaden and catch individuals like this.

Next, under schedule 3, to the Ministry of Training, Colleges and Universities Act, imposing various obligations on colleges and universities respecting sexual violence involving students: We appreciate the inclusion of section 17, in particular the requirement for a university or college to set out processes for how they will respond to and address incidents and complaints of sexual violence involving students enrolled at the university or college, but we have concerns over whether this is too narrow an obligation. By this we mean to ask: What happens when a student who has been assaulted is actually not one enrolled at the particular university in question—if the assault actually happened at the university campus and the perpetrator may have been a student of that particular university, but the student who was assaulted was not a student of the university? We are strongly suggesting that all policies and all processes

must effectively and comprehensively support the individual assaulted, regardless of where that individual is enrolled.

We want to talk a little bit about student input. Whilst we commend the requirement for student input into the development of policies, we have serious concerns over the language being used, in particular the requirement for a university or college to ensure that student input is—the word that we have issues with—"considered." Our experience from doing this work with many community partners has shown us that the best way to develop meaningful policies and programs is by bringing together all parties as collaborative and equal partners in the processes, decisions and outcomes. This builds trust and ensures accountability all around.

This section, as currently worded, continues to support the power imbalance between the administration and the student population by bringing in students' input, but in a tokenistic way, without any real impetus to act on it. We therefore advocate for stronger language that ensures universities and colleges put in place collaborative mechanisms that remove barriers and demonstrate equal respect and inclusion of student input in all sexual violence and harassment policies that are being created.

To this point about student input, we want to talk a little bit about survivor input. Input is an issue that is critical to the success of all of this, whether we're talking about a process like this—obtaining public input on the proposed bill—or we're talking about the development of policies on campuses or in workplaces. Yet we are disappointed to note the total absence from the bill of the need for inclusion of the experts, i.e., specifically survivors of sexual violence and harassment. In this instance, the survivors could be students either currently enrolled or perhaps alumni or staff, or even independent third parties, such as a member of our organization.

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It is important to note that amongst our membership, we do have numerous students who are themselves survivors of campus-based sexual assaults and harassments. They are active advocates in this field, and they are looking for ways to engage and use their lived experience so that their respective universities and colleges have trauma-informed, survivor-centred policies and programs that better support survivors and other students. Survivors bring an authentic voice and face to this issue that is continually absent, and when we're not consulted or engaged in the process, ineffective policies are created.

I want to talk very quickly about data collection. We are pleased with the inclusion of the requirement for universities and colleges to provide the minister with data, and feel that this is a critical aspect of ensuring effective tracking of the number of incidents that actually occur, and it can be used as a way to provide additional supports and funding that may be needed. If you don't know what's happening, you can't develop effective mechanisms to support it.

I want to talk very quickly—being mindful of our time, actually. We firmly believe in the need for develop-

ment of thoughtfully created, specialized sexual violence clinics and courts with specially trained personnel all working in a coordinated, collaborative manner, and in partnership with experts and survivor advocates.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time.

Ms. Nneka MacGregor: Oh, my God.

The Chair (Mr. Peter Tabuns): With that, I turn it over to Ms. Sattler. You have up to five minutes. We won't be rotating because our time is short.

Ms. Peggy Sattler: Thank you so much for coming today. You've brought a very important perspective. This is our third day of hearings but this is the first presentation that has emphasized, to the extent that you have, the role of survivors and the need for survivor input. You have highlighted the fact that survivors are absent from all of the schedules of this bill.

You made the one suggestion around schedule 3 that deals with the stand-alone campus policies about ensuring survivor input—students who may be survivors—in the development of the campus sexual violence policy. But were there other areas of the bill where you saw opportunities to reference the role of survivors?

Ms. Nneka MacGregor: I think the whole bill lacked survivor input. I think that part of the strategy we want to see going forward is that the government makes a commitment in all aspects of administration and implementation of the bill, that there is a consultation process that actually engages survivors. I'll be happy to provide you—because I wrote a lot about this—with a more comprehensive, detailed outline of the specific areas where we feel survivors can play a significant role.

Ms. Peggy Sattler: That would be excellent. We'll be looking for opportunities to introduce amendments to the existing language of the bill. If you see opportunities to reference survivors, I think that would be very useful to this committee.

The other point you made that I also thought was very interesting was around definitions of sexual violence. You're absolutely right, and we heard that with the presentation from ETFO, about the inconsistency in language of the definition of sexual violence.

Looking at the various ways that each schedule of the bill has defined sexual violence, do you have a preference? Is there one definition that you felt was the gold standard or the template definition that should be used? You did mention the misconduct of a sexual nature, but when you reviewed all the definitions, was there one that you felt was most effective in capturing a woman's experience of sexual violence?

Ms. Nneka MacGregor: We actually felt that the definitions were still rather vague and lacked any explicit references to women's experiences. Our sexual violence advisory action plan committee is actually working on developing a comprehensive definition that we feel would be applicable broadly, whether it's in a university campus or in a workplace, that we feel will actually encapsulate the experiences of women. Again, we will be offering that to the committee—

Ms. Peggy Sattler: When will that definition be completed?

Ms. Nneka MacGregor: Actually, we can get it you later on this afternoon.

Ms. Peggy Sattler: Excellent. Okay, great.

Then, finally, the Occupational Health and Safety Act section: I think you ran out of time. I wondered if you had any other comments to make on the changes to the Occupational Health and Safety Act.

Dr. Tope Adefarakan: One of the things that we noticed upon reviewing it was that it was very student-focused—

Ms. Peggy Sattler: The Occupational Health and Safety Act?

Dr. Tope Adefarakan: No, this act itself. It could also include colleges and universities, and I think that—

Ms. Nneka MacGregor: I know other people have talked about it before, but again, it's the issue of how you expand the definition of the domestic violence piece and incorporate it in a way that is inclusive of sexual violence and is comprehensive. Part of our definition that we will be presenting actually encapsulates that part, and is applicable whether it's in the workplace or at a university, for students, employees and all individuals affected.

Ms. Peggy Sattler: Okay. We've heard a lot about the need for training in workplaces already, but in particular around these proposed new provisions for occupational health and safety. Do you have any comments about training in the workplace, the need for training for—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say that you're out of time.

Thank you very much for your presentation today. We appreciate it a lot.

Dr. Tope Adefarakan: Thank you very much.

COVENANT HOUSE TORONTO

The Chair (Mr. Peter Tabuns): Our next presenters, then, are Covenant House. As you've heard, you have up to 10 minutes to present, followed by questions. If you'd introduce yourself for Hansard, we'll go from there.

Ms. Julie Neubauer: Thank you very much. Good morning, everybody. My name is Julie Neubauer, and I am the human trafficking services manager at Covenant House Toronto. Thank you for having us here today. We are honoured to be part of this activity and to have this opportunity to speak with you today.

As Canada's largest homeless youth-serving agency, we provide the widest range of services and support to at-risk, homeless and trafficked youth between the ages of 16 and 24. More than a place to stay, we serve almost 1,000 youth through our 24-hour crisis shelter and our transitional housing program annually, as well as over 2,000 youth through our comprehensive services, which include education, counselling services, health care services and vocational support.

We've been helping sex-trafficking victims since we opened our doors more than 33 years ago. Earlier this week, we unveiled a comprehensive and coordinated plan

that includes measures ranging from prevention to enhanced victim services and transitional housing.

We commend this government's efforts to combat sexual violence and harassment, both in the workplace and within Ontario's post-secondary education system. Bill 132 is a step in the right direction to ensuring the prevention of these deplorable crimes and to addressing this unacceptable behaviour, and to better support victims and survivors.

However, we feel that this legislation could better serve Ontarians by expanding its scope to specifically include young female victims of sex trafficking. I wanted to talk to you about the importance of ensuring that the unique needs of this at-risk population are considered as you review this important piece of legislation.

Ontario specifically has seen the bulk of this country's sex-trafficking cases, and an estimated 71% involved domestic sex trafficking. In addition, 63% of Ontario victims were Canadian citizens, beginning at the age of 13, and an average age of 17 years old.

We have four recommendations, and I'm pleased to note that many of them echo some of the other presenters that we've had here today.

We recommend that the following changes be made to Bill 132. The first is to expand the Compensation for Victims of Crime Act to include specific reference to victims of trafficking, and to remove any barriers or impediments that may preclude them from being able to apply for or access compensation at any time. Given the trauma and shame these young women experience, it could be a considerable time before they are ready to pursue compensation or to even realize what supports are available to them.

Secondly, we recommend that the Limitations Act also be expanded, again, to include specific reference to victims of human trafficking, but also to remove barriers or exceptions that could prevent victims from bringing forward sex-trafficking charges at any time. These victims often live in absolute terror of their traffickers, and this prolongs their decision to approach legal services, police services or other NGOs for support for their needs. While criminal convictions under human trafficking laws continue to be few in number, there is increasing police enforcement across the country, growing legal precedents and more specialized prosecution, which promises to address this situation.

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Thirdly, we recommend that the Ministry of Training, Colleges and Universities Act legislate or regulate campuses to include prevention and awareness training so that students can better recognize if someone is being trafficked, know how to report it and know where to go for help.

Finally, we similarly urge that the government also consider amending the Education Act to include age-appropriate trafficking prevention information in the curriculum for senior grade school and high school students. Covenant House includes this information in their school presentations across the GTA at the moment.

We are so thrilled to be here today. Thank you for including us in this conversation. I welcome any questions you may have for me.

The Chair (Mr. Peter Tabuns): Thank you very much. We have approximately four minutes per party. We go to the government. Ms. Malhi.

Ms. Harinder Malhi: Thank you so much for being here today, and thank you for all the great work that you do. I know we've been trying to connect for a while. I want to thank you for your presentation.

You mentioned human trafficking. Could you go into a little more detail about which elements of the government's response to human trafficking should be legislative and what should be more of a program?

Ms. Julie Neubauer: As it relates directly to Bill 132?

Ms. Harinder Malhi: Yes.

Ms. Julie Neubauer: I referenced, I think, specifically, the two key elements of compensation and the limitations. I think that as we're better understanding, through our work and through the work of the communities, the level of long-term trauma and shame that these young women are enduring, that specifically around the compensation—for the longest time, it only included domestic assault violence. To include sex trafficking and the violence endured by these women that is specifically related to this is important.

Secondly, again, acknowledging the trauma and the length of time that it often needs to acknowledge in these individuals that something has occurred; that there are other people out there who have endured similar, and being able to be in a stable place to address the things that have happened to them—so I think those key elements.

John referenced, how are we still here after all these many years? I think that a key piece of the legislation needs to be prevention and education. One of the things that we are doing at Covenant House—and I'm hoping to hear from the bill in its completion—is around education, beginning at a very young age, to acknowledge what consent is, and moving into the older grades and teaching young women and young men what trafficking is, what luring is, what grooming is and creating an understanding between the young men and women that there are other opportunities for them—discuss self-esteem, things of that nature.

I hope that addressed your question.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: More about the education portion of it: I would imagine, then, that you're very supportive of the health and physical education changes that the government brought in.

Ms. Julie Neubauer: Absolutely.

Mrs. Kathryn McGarry: There are some folks in the province, parents in particular, who are not very happy with that. Can you just outline a little bit further what you think the benefits are of that particular change to the curriculum?

Ms. Julie Neubauer: I think at the crux it's about developing an awareness and an empowerment. The level

of awareness as it relates specifically to human trafficking is that it exists. I think that we're at a place now as a society where we're recognizing that this is not about young women in Thailand; this is not about eastern European people coming over to our country. The name of our campaign is "Just Like a Girl You Know." These are young people who live next door to you. These are the young girls who are going to the high school with your own children. We increasingly get parents who call us and say, "I think my daughter may be involved in human trafficking"—so developing an awareness from the ground level, from taxicab drivers to parents to teachers to people such as yourself, that this is a domestic issue.

As I noted, 71% of domestic sex trafficking is occurring in Ontario, and 63% of those primarily young women began to be lured at the age of 13.

Developing that awareness, putting on a different pair of glasses and a lens as you pass by the hotels, as you pass by activities, and to see it in a different way—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time with this questioner.

We'll go to the official opposition. Ms. Scott.

Ms. Laurie Scott: I can't thank you enough for being here. Congratulations on your announcement at Covenant House. Human trafficking and raising awareness and getting proper funding to tackle this has been a priority for me, so when we saw Covenant House's campaign and your ads on your advocacy—I can't tell you how thankful I am to you and Covenant House, and all the partners that have been a patchwork across the province, the different police forces and different boards of education.

I just wondered: I've called for a task force on human trafficking, so basically I'm asking for a provincial network, and you've mentioned a lot of partners that need to be educated. I know that in Durham region—I'll just highlight that and then I want to expand on your campaign—they have a pilot project that they're taking into the schools, targeting grade 9 girls, the age group that you're speaking about. You even spoke about elementary schools—

Ms. Julie Neubauer: Indeed.

Ms. Laurie Scott: —so run with that, if you want to expand.

Ms. Julie Neubauer: Okay, certainly. The work that we are doing at Covenant House in recognizing what needs to be done is that network of players in this whole endeavour. What we have right now at Covenant House is a runaway prevention program. It goes in and talks to young people about what it means to be homeless etc., but what we're including in that and what we have included in that is clearly addressing what trafficking is, what exploitation is, what the signs and symptoms of luring are, and how one gets lured. The classmates are young men and young women, so again, there's that exposure piece.

The need for collaborative efforts very much echoes what we're doing at Covenant House in terms of our campaign. It ranges from prevention to transitional hous-

ing and beginning to work with other NGOs, because as much as we do have that kind of 24-hour wraparound service at Covenant House, we also need to partner with other community agencies for the trauma-informed counselling, for the addictions piece etc.

I'm conscious of the time so I don't—

Ms. Laurie Scott: It's okay. So it really has to come from the top, right? In this case provincial government to, say, the school boards?

Ms. Julie Neubauer: Absolutely.

Ms. Laurie Scott: This must be part of the education platform, which would be more than helpful to us. I know Durham has something; I believe Ottawa does too. And also, the police resources are needed there, and the crowns, dedicated.

You've mentioned about the timelines and, if we can get the victims to come forward, dedicating courts—crown attorneys and judges—to that.

Ms. Julie Neubauer: Certainly. I think that this has been very much of a funnel-up approach. As NGOs, we've been dealing with this population for the past 30 years, as have a number of other organizations, in recognizing that there are more and more young women, so it has been funnelling up in terms of activities. It's so wonderful to have the higher-level organizations begin to create legislation that will support our activities, for example with the human trafficking enforcement teams or the Toronto Police Service or the Durham Regional Police Service, who are trying to prosecute and put away these people who are continuing to do this, providing support services for the young victims of the trafficking etc. It has to be a coordinated effort—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time with this questioner.

Ms. Julie Neubauer: That's okay. Thank you very much.

The Chair (Mr. Peter Tabuns): We go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for being here today and for your presentation. You talked about the barriers for victims of sex trafficking to access criminal injuries compensation. Looking at schedule 1, which talks about the Compensation for Victims of Crime Act, basically it says that there's no limitation where the crime is one of sexual violence or is committed in the context of a relationship of intimacy or dependency. Do you feel that that language is too narrow? What was your concern in terms of a barrier to a victim of sex trafficking accessing compensation for victims of crime?

Ms. Julie Neubauer: The element that I referenced specifically was to name sex trafficking specifically as you go through the list of domestic violence, harassment etc.—just to have that nomenclature added to the conversation, because I don't think it's on the agenda yet. It's becoming more and more discussed, but as I said, I would hazard a guess that not very many people still believe that it is happening in Ontario. To have it included as a name, as an activity was what I was implying.

Ms. Peggy Sattler: Okay. And then you made an interesting suggestion on schedule 3, on the Ministry of

Training, Colleges and Universities Act, about the requirements for elements of a sexual violence policy on college and university campuses. You recommended that there be explicit reference to trafficking. Can you tell us a bit about trafficking on campus? Your earlier comments have focused on younger girls.

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Ms. Julie Neubauer: It happens in two ways. There are young women we work with directly who are currently enrolled and are students in universities and colleges across the province. They are trying their very best to maintain these two different lives. As they get pulled deeper and deeper into the trafficking situations, they are unable to maintain their positive contributions to our society.

Then there are the situations where these young women are being lured directly from the universities, either through other students, peers or people who are coming onto campuses.

Then thirdly, there are the brothers, the people—when I did a presentation at a college, I had a young man come up to me afterwards who happens to work at a motel and who happened to be a student in the class I was speaking to. He said, “I think I may be enabling human trafficking in my hotel.”

Again, by raising the awareness at the level of universities and colleges, you could address it in three different ways in this one instance.

The Chair (Mr. Peter Tabuns): I’m sorry to say, but with that, we’re out of time. Thank you very much.

Ms. Julie Neubauer: Perfect. Thank you very much, everyone.

WILFRID LAURIER UNIVERSITY STUDENTS’ UNION

The Chair (Mr. Peter Tabuns): Our next presenters, then, are Wilfrid Laurier University Students’ Union. As you’ve heard, you have up to 10 minutes to present. There will be questions afterwards. If you would introduce yourselves for Hansard; thank you.

Mr. Christopher Hyde: My name is Christopher Hyde. I’m the director of policy research and advocacy with the Wilfrid Laurier University Students’ Union.

Ms. Olivia Matthews: My name is Olivia Matthews. I’m the president and CEO of the students’ union.

Ms. Laura Bassett: My name is Laura Bassett. I’m the vice-president of university affairs with the Laurier students’ union.

Good morning, everyone. I want to thank you for having us up here before this committee. The student leaders of Wilfrid Laurier University appreciate the opportunity to speak to this committee. We want to discuss our policy recommendations as they relate to Bill 132.

Up until and including today, we have appreciated and commended the provincial government for their consultations, meetings and commitment to engaging student unions in the development of this bill. As student unions have continuously advocated for increased protections

for students on campus and have been crucial in shaping the culture that exists on campus, we are appreciative to be able to share our recommendations on behalf of the 17,000 students who exist at the Brantford, Kitchener and Waterloo campuses.

Mr. Christopher Hyde: Since the beginning of the consultation process, the Laurier students’ union has advocated for an amendment to the Residential Tenancies Act to allow victims of sexual or gender violence and harassment to more easily terminate a lease. We believe, based upon student experience and based upon actual work that we’ve done over a number of years with our students, that it is imperative that tenants have the right to terminate their lease if they were victims of sexual or gender violence or harassment and it involved a domestic partner, roommate, the landlord, or if it occurred within the vicinity of their residence.

Just as a side note, it’s complex for university students because in many ways their residencies fluctuate so much over the years that they’re on college campuses. There are new surroundings, and they don’t know all the people they’re moving to these communities with, so we think it’s imperative they have the support.

We commend the provincial government, all involved committee members and our local MPPs for hearing our recommendation loud and clear and including it in section 6 of the bill. We would like to see increased regulations pursuant to how the termination process would take place and how established sexual assault support mechanisms would be incorporated into the process.

One last thing we should also add: We work really diligently to try to communicate to students their rights according to the Landlord and Tenant Act. It’s tough, and there are many times in which we don’t always succeed in getting that message out when we’re talking about key deposits. When it’s something that is as important as this, we would really look to community partners, university partners and partners in government to help us get information out about the rights of students in accordance with these types of changes, especially on an issue so important.

Ms. Laura Bassett: We would also like to acknowledge the difference between disclosure and formal reporting. As universities continue to build their stand-alone policy and as Bill 132 continues to be developed, we advocate for increased language throughout schedule 3 on the difference between disclosure and formal reporting.

We would advocate for increased language in the bill regarding the survivor’s right to disclosure without going forward with pressing charges. We would also advocate for increased language in the bill regarding the survivor’s right to access resources and support without the need to formally report to the university. We would like to see increased language regarding the university’s commitment to survivor-centric approaches and that the decision to proceed formally should come from the survivor.

In regard to schedule 3, section 7, we would like to see increased language regarding the difference between

disclosing to access supports and services and formally reporting to access these services and supports. We would also like to see increased language about the need for accommodations to still be met without the formal report of an incident.

In section 7(3), the wording should be changed to the number of formal complaints and formally documented incidents of sexual violence reported by students, and the information about such incidents and complaints. Incidents that only involve disclosure should not be reported to the ministry, but rather, if they access these supports, services and accommodations, then that should be recorded and reported to the ministry.

Ms. Olivia Matthews: We also have some input on the training and provincial support that's being received. The government of Ontario, through schedule 3 of this bill, has made it clear that training on sexual violence policies and protocols be made available for all senior-level administration, faculty and staff. While we stand by this policy, and believe that policy and protocol training should be made mandatory for this group of people, we have a few more recommendations.

We'd like the government to remain as a key leader in the direction of this policy development, implementation and education on the issue of sexual violence and harassment. We'd like grant funding to be made available for institutions looking to either create new or update very old policy training sessions, and then grant funding as well being made available to student unions or student associations. Right now, it's available just to universities. We look to train a lot of our student leaders, our volunteers and students at large on sexual violence, and we want to be able to train them on our protocols at our specific institutions as well.

The province-wide training on the action plan should be made available for institutions looking to educate, again, all the senior-level administration, faculty and staff on the end goal of the province, and then increased education to students on where their complaints will be heard if an institution is not following policy or protocol. This could include the possibility of the ombudsperson.

We'd also like to see support of the province in creating a climate survey to be conducted at all of our institutions to assess the ways in which students feel their university is supporting them and their experiences of sexual violence on campus.

Ms. Laura Bassett: Finally, we'd like to see increased provincial support and the utilization of resources that already exist. As the government puts increased pressure on institutions to recognize sexual violence as a prevalent issue, we believe that a key piece of the puzzle is missing. The following outlines our recommendations for the province to help underfunded sexual assault centres in the province, as you can see on the documents that we've provided you. We believe that the centres that already exist should be included in this consultation process.

Ms. Olivia Matthews: The provincial government should amend the bill to account for already established

sexual assault centres, especially in communities where universities exist. As we know, many of our students won't disclose or report on campus, and they'll seek those services elsewhere.

We'd like the provincial government to require universities to make all concerted attempts to establish a relationship with the sexual assault centres in their communities as it has been really impactful at our home institution. The provincial government should collect data from sexual assault centres on the number of visits students make per year, if they choose not to visit our campus wellness centres or access institutional resources.

Ms. Laura Bassett: In addition, universities should be mandated to seek consultation from sexual assault centres or experts in the field, such as sexual violence faculty colleagues, as we see at Laurier, in the development of their policy and protocol.

Finally, the provincial government should increase funding to sexual assault centres and put increased resources to areas that have higher demand, such as those surrounded by universities or colleges. Thank you.

Ms. Olivia Matthews: Thanks for hearing from us today.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. It leaves us just a little over two minutes per party. We start with the official opposition: Ms. Scott.

Ms. Laurie Scott: Thank you very much for coming here today. What kind of funding would you be looking for? You need more education; you talked about educating, as well. Can you expand on that a little bit more, maybe what exists now or what doesn't exist now, and what you'd like to see?

Ms. Olivia Matthews: Sure. I can give a really impactful example. For our orientation week volunteers—we have about 600 volunteers at our home institutions, and thousands across the province, I'm sure. That's a really good starting point, because those are peer mentors on campus. This year, we trained them on gendered violence. We trained our executive team on responding to disclosure. But those are expensive training sessions, especially if we have none of that expert knowledge within our own institution, to bring people in. So having access for our students' unions to potentially access grant funding for that or for that to already be a part of the universities' budget would be of huge help to us and to students.

Ms. Laurie Scott: How do you feel about the student input that exists now or what's proposed for student involvement in the universities creating this policy?

Ms. Laura Bassett: I think it has been really great. I would commend the universities greatly on their involvement of students. I think one of the things that we talked about, from the beginning, was meaningful involvement of representative students. At our home institution, Laurier, we've seen great involvement of students in the process. We had a grassroots student group write the first policy and protocol of the sexual violence policy at Laurier, which was really excellent. I think universities

have made a giant step in that, in involving students and their opinions in the making process.

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Ms. Olivia Matthews: But it can always help with encouragement from the government as well.

Ms. Laurie Scott: Exactly. Okay, thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. On to the third party: Ms. Sattler.

Ms. Peggy Sattler: Yes, thank you very much for being here. Those of us who served on the select committee recall your presentation on the Residential Tenancies Act and appreciate your advocacy on that issue.

You talked about a climate survey, which is something that we have heard from a number of the universities that have presented to the committee. We've also heard that students are surveyed to death, which is what some people say. What's your feeling on the frequency of this survey? Are you envisioning an annual survey that would be conducted, involving the entire population of university students across the province, or a sample survey that's conducted on a more cyclical basis? What were your thoughts?

Ms. Laura Bassett: Universities typically record this type of issue on campus very differently from institution to institution, and it's really hard for us as student leaders to do comparisons across universities to see if certain things are working better than others. We've seen over the past few years, just coming up with our stances on this policy issue, that some institutions will report disclosure, some institutions won't, and it's really hard to determine how good a university is at responding to sexual violence, based on these numbers.

I think that this climate survey would really do well for students in giving them a voice on how they're feeling at the institution. Ideally, it would be done annually, but like you said, university students do have to participate in a lot of surveys because they are a unique group. Biannually would be excellent as well. But I think that this would be crucial in getting the real numbers as to what's going on on campus.

Ms. Olivia Matthews: Might I recommend looking to the National College Health Assessment? That's a survey that all of our students are going to be participating in this year. Framing a survey around that type of sample size out of universities would be really beneficial for the Ontario government.

Ms. Peggy Sattler: Okay.

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time.

Ms. Peggy Sattler: Oh.

The Chair (Mr. Peter Tabuns): I know. Good questions, many good questions.

Mrs. McGarry—to the government.

Mrs. Kathryn McGarry: Thank you very much for your presentation, and thank you again to Wilfrid Laurier for hosting the announcement with MPP Daiene Vernile and myself last week. I was amazed at the amount of involvement.

I want to compliment Wilfrid Laurier on your initiatives so far. I think you've taken a very large leadership role in Ontario in being some of the first to do these things.

In terms of engaging men into your program, I'm also very impressed. We've had Christopher here, we had Dave McMurray earlier, and I think that speaks a lot.

In terms of engaging your student population, do you feel that it's very important to have students assist in developing and then reviewing the policies every three years?

Ms. Olivia Matthews: Absolutely. We definitely need students at the table, because they're the ones at the ground level who are understanding the climate, potentially even more than our senior-level administration would.

I think your point about male allyship is crucial in moving forward in even our policies and protocols on campus. We have a male allies group that meets on our campus, and that should definitely be extended. We can't do this without the voice of men as well.

Mrs. Kathryn McGarry: We heard that loud and clear from Dave McMurray, who presented earlier.

In terms of looking at reporting, I know that you've had issues around the language regarding disclosure and reporting. Do you have any specific language regarding the difference between the two?

Ms. Laura Bassett: Anyone can disclose to anyone regarding an incident, how they're feeling, and what it is that they're going through and what they have gone through. I think the difference is going through the formal reporting process, where they involve the perpetrator. I would say that disclosure doesn't necessarily involve the perpetrator. In terms of accommodations, it would, but with a formal report, you're going through the university policy and protocol process, and then you may go through the criminal court process. There just should be some language differentiating between the two and the right of survivors to go either way.

Ms. Olivia Matthews: I think that David would have spoken to compliance versus compassion in that sense of reporting.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say that we're out of time. Thank you very much for your presentation today.

ONTARIO UNDERGRADUATE STUDENT ALLIANCE

The Chair (Mr. Peter Tabuns): Our next presenter is the Ontario Undergraduate Student Alliance.

Good morning. As you've heard, you have up to 10 minutes. That will be followed by questions, and if you'd introduce yourselves for Hansard.

Mr. Zachary Rose: Good morning. My name is Zachary Rose. I'm the executive director of the Ontario Undergraduate Student Alliance.

Ms. Danielle Pierre: Good morning. I am Danielle Pierre, the research analyst at the Ontario Undergraduate Student Alliance.

We'd like to take a moment to thank the committee for allowing us to speak on behalf of our members today. The Ontario Undergraduate Student Alliance represents the interests of over 140,000 undergraduate and professional, full- and part-time university students in Ontario. We have seven member student associations: Queen's University's Alma Mater Society; the Trent Durham Student Association; the Federation of Students at the University of Waterloo; the Wilfrid Laurier University Students' Union, whom you've just heard from; the McMaster Students Union; the Brock University Students' Union; and the University Students' Council at Western University.

You have heard from some of our students already, but we would like to provide a province-wide perspective on the requirements of schedule 3 in Bill 132, the amendments to the Ministry of Training, Colleges and Universities Act.

All students deserve to feel safe at their universities; this standard is unconditional. Gender, race, religious beliefs, sexual orientation, age, ethnicity and the status of health or disability should not determine when and where a student feels safe. Sexual violence survivors can suffer immediate as well as long-lasting trauma and must be supported throughout their entire process of healing. From the moment a student discloses an incident of violence or misconduct, they should be assured of discreet but comprehensive supports that seamlessly progress their case through legal, medical and academic processes.

University campuses offer unique access to 46% of Ontario's emerging adults. Confronting and dismantling cultures of rape, misogyny and sexism in these spaces gives the province an opportunity to make an impactful change and set the right example for those who will continue this work in the future. Bill 132 is a powerful signal to the post-secondary sector, as well as to the public, that sexual violence is never okay.

In consultations surrounding the requirements of this legislation, students' governing bodies, as well as representative bodies like ourselves, have had to answer some difficult questions: What does an ideal response to the disclosure and reporting of sexual violence look like? Can we have expectations of uniform, province-wide responses? What role do each of us play in awareness-building and prevention?

Students are grateful to have the space and a supportive legislative framework to help answer these tough questions. Student associations are prepared to continue their work and leadership among their constituents, offering peer support to survivors where it is needed, mobilizing student populations and sharing responsibilities for campaigns. These are their strengths.

Mr. Zachary Rose: In recommending amendments to the House, it is imperative that this committee outline the intended outcomes and a baseline of what is expected of our post-secondary communities. All of our institutions are unique and, as such, they cannot be expected to meet the bill's requirements in the same way. It is not the place of legislation to prescribe how universities should meet

the needs of their communities; however, we can set minimum expectations. This would not be telling universities how they should act, but rather would illustrate what they are working toward. Students ask that the Premier and the provincial government continue to steward our sector through this important process.

Student associations and their universities need help with service provision, training and funding. For example, although the women's directorate recommends the establishment of sexual violence response teams in their resource guide for developing responses to sexual violence, the province has only provided funding for a single staff person at each campus. Government funding does not exist to cover the costs of training on policy, bystander intervention or terms of reference in the context of sexual assault and harassment. On top of this, student associations are currently ineligible for program-specific government funding initiatives.

The protection and support of survivors should not be impeded by a lack of resources. If the action plan is successful, the demand for on-campus services will surely increase. Provincial resources must match the volume of supports and services desired and needed on university campuses. Our institutions are prepared to be accountable to the demands of this new legislation but require financial support to do so. Envelope funding should be available to universities to enable them to provide role-specific training on sexual violence policies and protocols. The provincial government should also mandate that staff in high-risk roles—for example, campus bar and nightclub staff—receive training in bystander and intervention techniques. Grant money should be available to student associations who wish to facilitate their own policy and protocol training for student leaders and volunteers.

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Ms. Danielle Pierre: We believe that Bill 132 can be strengthened to support our current work and the work for years to come. Amendments should be made to separate policies and protocols, guarantee the inclusion of students' and survivors' input, ensure institutions collect reliable data and information, and distinguish between disclosure and reporting. The language of law must not limit survivors' abilities to seek support from their universities.

There is currently no acknowledgement of policies and protocols as separate tools at the disposal of our institutions. We ask that this committee consider the feasibility of distinguishing between policies and protocols in this legislation. Policies are instruments of accountability and set a standard of acceptable behaviour for all community members. Protocols give policies flexibility and operational functionality. While these tools are inherently inseparable, their functions must be thought of as distinct. For our students, protocols are the most important part of addressing sexual violence as they provide a means of detailing how disclosures, reports and complaints should be handled while also acting as informational resources.

It is more realistic to list non-permanent information in protocols than in policies. For example, information—like operating hours, names and costs—about support services on and off campus are subject to change frequently within a three-year period.

Universities have yet to come to consensus on how to interpret legislation and its associated regulations in their policies and protocols. The government must provide direction in this regard.

Requirements for student, survivor and expert input are not made clear enough. Bill 132 should be amended to instruct colleges and universities to ensure that student and survivor input is included in the development, review and revision of their sexual violence policies and protocols. It is not enough to merely consider students' and survivors' input in the implementation of these policies. While stakeholders are currently engaging all of these parties successfully, it is important to preserve students' and survivors' engagement for decades to come.

Bill 132 should be amended to include a definition of disclosure—the revelation of an experience of sexual violence to anyone other than law enforcement or university authorities—as well as a definition of formal reporting—the revelation of an incident of sexual violence to authorities like the police, campus security and university disciplinary bodies. Nowhere in schedule 3 is this distinction made.

Undue burdens of proof and self-advocacy placed on survivors leave students feeling reluctant to formally report incidents of sexual violence and engage in on-campus investigations, and students continue to show concern about how campus police and security handle reporting and investigation. A reluctance to report should not inhibit survivors from seeking support from their institutions, and all resources and services should be made available regardless of a survivor's decision to disclose or report.

With this difference made clear, the bill must also dictate what duties to report disclosures are to be assigned to colleges and universities.

Mr. Zachary Rose: Although schedule 3 of the bill does call for broad data collection, as it is written it does not adequately articulate the purpose and importance of monitoring and evaluating supports, services, accommodations and responses to sexual violence on campus. This legislation should set the context and goals of data collection, ensuring information is gathered in comparable and useful ways. Language should therefore be added to encourage colleges and universities to collect data consistently, accurately and with the intention of measuring the impact of specific supports, services and accommodations.

Currently, each institution has a different method for record-keeping and case management. This not only challenges interpretation and comparison of system-level data but also eclipses the true depth and severity of sexual violence on Ontario campuses. Without comparable datasets, it's impossible to create benchmarks against which progress can be measured.

It is our hope that this committee keeps the needs of survivors at the forefront of this discussion. You can do this by continuing in your leadership, providing adequate financial resources and amending Bill 132 in ways that are survivor-centric. Bill 132 should be amended to recognize policies and protocols as separate tools; ensure that student and survivor input is always included in discussions about sexual violence policies and protocols; compel universities to collect reliable data and information about sexual assaults, harassment and service usage; and distinguish between disclosure and formal reporting.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation today and for your advocacy that led to this legislation in the first place. I really appreciate some of the points you made.

One of the questions that I wanted to probe a little bit more on is around student input. The legislation states that the regulations will set out what student input looks like. You've made the recommendation that the language be strengthened, so that it says student and survivor input is included, but there still will be accompanying regulations to set out what that means.

Can you give us a sense of what student input looks like on the ground? Is it simply having somebody from the elected student association sitting on a committee? What does it look like?

Ms. Danielle Pierre: We have had a chance to look at draft regulations, so I can say that we are really encouraged and very happy to see that they name that students' governing bodies should be included in determining the consultation process or the student input process.

For us, we would like to see the legislation be as strong as it can be in ensuring that students' and survivors' input is always included. We know that we have a lot of steam behind the issue now, and there is a lot of great work being done; we just want to preserve that work moving forward. Especially for student associations, whose organizational memories are often quite short, it's very important that legislation protects their rights to be involved in things that are ultimately meant to help them.

Mr. Zachary Rose: If I could just add: We have been very encouraged by the level of involvement so far. It has not been the case where we've felt that—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. We now go to the government. Mr. Baker.

Mr. Yvan Baker: Thank you both for coming in again. It's good to see you again, and I want to applaud you, as Ms. Sattler did, for your advocacy—and the other students who are here today—that has helped to enable this bill.

One of your recommendations was around collection of reliable data and information. One of the points that you made was the importance of consistency across institutions. Could you just talk a little bit about why that's important? I know from my experience in working

with you folks and with others that that's sometimes a challenge in other areas outside of sexual violence, as well, so could you speak to why it's important that we have consistent data?

Mr. Zachary Rose: I think the most critical piece of that, and the strongest reason for making sure that we have the best data possible, is so we can know if our interventions are working. Currently, as it is, with data that we can't really compare from institution to institution, where they might not be measuring the same things or with the same frequency, we will have no way of knowing from a system level whether particular programs are working or whether funding levels are sufficient.

It's this kind of thing, to make sure that the policies are as effective as possible and are truly serving students, because we're approaching all this from, naturally, a very student-focused lens and protecting the students. So we need to have that information there, so we can see whether our approaches are working or if they need to be corrected, and where.

Mr. Yvan Baker: Okay. Do I have time left, Chair?

The Chair (Mr. Peter Tabuns): You have 30 seconds.

Mr. Yvan Baker: One more point that you raised was the issue of training and the funding of training. The previous group, from Wilfrid Laurier, also raised this point. Could you just talk a little bit about or expand upon what type of training you're talking about and why that's important?

Ms. Danielle Pierre: Sure. We name role-specific training in the sense that there are many levels within the hierarchy of our institutions. However, each of those levels is not necessarily required to have the same amount of training. Our sexual violence coordinators need the most, and they need to have the most expertise—

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, you're out of time.

Ms. Danielle Pierre: Okay. Thank you.

The Chair (Mr. Peter Tabuns): I'll go to Ms. Scott.

Ms. Laurie Scott: That's okay. I was going to ask a training question anyway, so I will just let you finish that. One of my questions was the difference between why training for student unions and for training students is different than the training that they are going to receive—I understand than the front-line crisis centres, but—

Ms. Danielle Pierre: Sure.

Ms. Laurie Scott: Go for it.

Ms. Danielle Pierre: Okay. I guess I'll finish my previous thought: We want to make sure that everyone is getting adequate training, that they feel empowered to act on our policies, but not that they feel almost like experts who are then circumventing the policies.

For our student leaders, we want them to have training with experts, and we want each of them within the student union to be able to appropriately handle a disclosure in terms of helping the survivor through that time, but also in terms of protecting themselves. Then,

they are also responsible for trickling down their knowledge through to their volunteers, who are, for our student associations, almost our front-line workers.

But then, for the student body at large, we still want the student union to be empowered to convey messages to that student body and offer optional working sessions, if they can do that for them.

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This is all to say that we're looking for adequate training at the adequate level, but also that it happens in ways that are useful to students. It can be anything from workshops where people are actually engaging in discussions to perhaps online modules added to existing training sessions.

And I guess I will just return to the point of having mandatory trauma-centric training for front-line workers and the people who need the most concentrated levels of training, and then optional bystander intervention, peer support and self-care for our student body at large.

The Chair (Mr. Peter Tabuns): And with that, time has run out. Thank you very much for your presentation.

ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS

The Chair (Mr. Peter Tabuns): Our next presentation, then: the Ontario Council of Agencies Serving Immigrants. As you've heard, you have up to 10 minutes to present and that will be followed by questions.

Ms. Krittika Ghosh: I'm just going to get a glass of water.

The Chair (Mr. Peter Tabuns): Absolutely.

Just before you start, if you'd introduce yourself for Hansard.

Ms. Krittika Ghosh: Good morning. My name is Krittika Ghosh and I'm the senior coordinator of the violence against women project at the Ontario Council of Agencies Serving Immigrants, or OCASI. OCASI is the umbrella agency for immigrant and refugee-serving agencies in Ontario, and has 230 member agencies across the province. The council was formed in 1978 to act as a collective voice for immigrant-serving agencies and to coordinate responses to shared needs and concerns. OCASI is a registered charity and is governed by a volunteer board of directors.

OCASI welcomes the opportunity to respond to Bill 132, the Sexual Violence and Harassment Action Plan Act. OCASI is a member of the provincial Roundtable on Violence Against Women, and provided feedback to the bill in its initial stages. OCASI supports Bill 132 and recognizes that it addresses the needs of diverse communities in ensuring that women who have experienced sexual violence have fewer barriers in seeking support and in reporting their experiences to various institutions.

Although we support Bill 132 in principle, we see some gaps in its wording and would like to recommend that the bill be explicit in terms of how each act impacts Ontarians with precarious status, people without immigration status, international students and migrant

workers. Even for immigrant women with seemingly stable immigration status such as sponsored spouses, programs such as the federal conditional permanent residency makes women more vulnerable because they will not report abuse due to fear of loss of status. This has been documented by agencies such as the South Asian Legal Clinic of Ontario, or SALCO. We need to keep this and other systemic barriers in mind as we review this bill. I would like to go over each of the proposed schedules to show how there needs to be more information on how each area impacts diverse communities, including those in the categories mentioned above.

The first schedule is the Compensation for Victims of Crime Act, in which we would like to see the following clause added to this section: "Survivors of sexual violence should be able to apply for compensation regardless of their immigration status, and should be able to apply from both inside and outside of Canada." This will ensure that all women, including women without immigration status, migrant workers, women with precarious immigration status and international students who may return to their country of origin, are still able to file for compensation and that their experiences are validated.

The Limitations Act, 2002: OCASI recommends changes to this act which would lead a survivor of sexual assault to be able to report their assault regardless of the time period when it occurred. As we very well know, there are many reasons why a woman may not report her assault immediately; including experiencing flashbacks, emotional and physical trauma, lack of family and community support, lack of knowledge of their rights, fear including fear of loss of immigration status, fear of detention and removal and others. Racialized women are typically more vulnerable and often more reluctant to report. In addition to its suggested updates, we would like to add that under section 4(1), clause 16(1)(h) of the act, the survivor's immigration status should not be a barrier to reporting or compensation.

The Ministry of Training, Colleges and Universities Act—I just heard many of my colleagues from other various universities speak to this and they have done a great job in adding to the discussion on this. We think that there are some important additions in this section, including the expanded definition of sexual violence to include any sexual act or targeting a person's sexuality.

We would also like to recommend that the policy includes processes for international students to report incidents and complaints of sexual violence without fear of reprisal in terms of their immigration status, and also to have the same access to counselling and other services as Canadian naturalized citizens or Canadian-born citizens, without having to pay any additional fees.

In terms of the Occupational Health and Safety Act, we would like to ensure that there is clear indication in this section that all workers are protected from workplace harassment, including people without immigration status and workers in the underground economy, many of whom do not have immigration status, and migrant work-

ers. These are some of the most vulnerable workers who usually do not report incidents of sexual and workplace harassment for fear of detention and deportation based on their immigration status. There needs to be greater clarification that this act will ensure the safety of all workers regardless of immigration status.

Going on to the Residential Tenancies Act, 2006: We support the proposed changes in this section which will make it easier for a tenant experiencing violence or other forms of abuse to terminate their lease without reprisal from their landlord.

We would also like to recommend that no undue burden of proof be made on the tenant experiencing violence to prove their abuse. Many survivors of violence are often isolated from friends, family and community, making it difficult for them to reach out to others for support. Immigrant and refugee survivors of violence may have added language barriers and lack of knowledge of resources and fear of possible loss of status for sponsored spouses. We recommend that a letter from the tenant who is experiencing violence be sufficient in proving her case.

There are two main recommendations that we would like to make. One is ensuring that the implementation of the bill is inclusive of the needs of immigrant and refugee women. In order for that to happen, we recommend that there be a public education campaign in multiple languages, in third language and community media, including print, broadcast and social media, that informs communities about the content of this bill. We would also like to move towards an access without fear policy.

In March 2015, Premier Kathleen Wynne announced the province's action plan to combat violence against women and the creation of the Ontario Roundtable on Violence Against Women. As mentioned before, OCASI sits on this round table and sees the action plan as a positive step toward tackling this issue through community engagement, policy changes and investment into diverse communities.

One of the recommendations of the action plan is to "develop tools and identify best practices ... to encourage more survivors to report sexual assaults." This is on page 11 of the report. In order for marginalized women with precarious immigration status to be able to report their assaults to law enforcement and other authorities, it is important to create an atmosphere where they will not be penalized for doing so by being forced to disclose their immigration status.

We call on the province to create a policy that ensures that all Ontarians, regardless of immigration status, are able to access all provincial services without fear of disclosure of their status to federal authorities and of facing detention and deportation. This policy would allow many women experiencing violence and abuse, or who have experienced sexual violence, to come forward to report crimes they may be too afraid to report today. Without this policy, migrant women across Ontario, including women with less-than-full immigration status who have lived and worked here for years, will continue to live in fear and danger.

In particular, an access without fear policy, similar to those that exist at the municipal level in Toronto and Hamilton, would do away with a regulation in the OPSA that allows police to disclose personal information to federal authorities, including the Canada Border Services Agency. We need clear language in the investigation of criminal activity or the reporting of a crime that the directive is not to share immigration status information about victims and witnesses to federal authorities.

OCASI appreciates the opportunity to provide feedback to Bill 132 and supports it with the suggested changes we recommend. Thank you for your time.

The Chair (Mr. Peter Tabuns): Thank you very much, Ms. Ghosh. We start off then with the government. We have two minutes per party. Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here today and for your suggestions. I come from a very diverse community, the community that I represent, so I see some of your concerns around people not reporting things and things going on. We've seen cases in our community that have shown such results.

How do you think we can engage and how do you think we can educate these people, so that they don't feel like there's a stigma attached? What kind of resources can we offer them? There are resources, as we both know, that are available, but it's very difficult to get them to come use those resources.

1040

Ms. Krittika Ghosh: Having done work in diverse immigrant refugee communities for 17 years both here and in the US, what I have found really successful is peer-to-peer engagement, both in terms of women and community members who have experienced violence, as well as those who have gone through the process of engaging with the system, instead of having what we consider professionalized folks going in and saying, "Let me help you. Let me tell you how to get through the system and navigate it."

I think it's important to invest in programs that are specific to the community, but coming from input by community members themselves, so have round table discussions, meet with community leaders, but also folks who have been impacted by violence—immigrant women themselves. I think that would be the way to go. It is, of course, important to invest in agencies, as well, who are working in these communities. Most of the VAW, as well as settlement agencies, that provide services around violence against women are terribly underfunded and are not able to meet the needs of the communities. I think it kind of has a multi-pronged approach, but I think community engagement and education is a key part of really bringing change.

Ms. Harinder Malhi: What parts of Bill 132 do you believe will particularly be helpful to immigrant women who are survivors of sexual violence?

Ms. Krittika Ghosh: I think all of them can be helpful, and we want it all to be helpful so that it's not like only one part of it is geared towards immigrant and refugee women. For that reason, what we are asking is

for greater clarification on the fact and to make it clear that when immigrant and refugee women do report that there are no repercussions on their status and that they are not afraid. There are many—

The Chair (Mr. Peter Tabuns): I'm sorry to say you are out of time with this questioner. We'll go to the official opposition: Ms. Scott.

Ms. Laurie Scott: That's okay. I can let you follow that theme, because I have a similar question on expanding the definition, because obviously you feel that they fear discrimination. Is that actually occurring, the discrimination? So finish what you were responding to MPP Malhi, if you wish, and just if you have an example. I understand the fear of it, just is it actually really happening?

Ms. Krittika Ghosh: I'm sorry. What was I responding to—what was the last question you had asked?

Ms. Laurie Scott: It was about funding, I think, that you were talking about for—

Ms. Harinder Malhi: We were talking about what elements of the bill you think are particularly helpful.

Ms. Krittika Ghosh: I think, for us, we see that all of the points should be helpful in terms of immigrant refugee women—who are also tenants in housing, who are also students, who are also working—so all of these impact our communities. But there needs to be greater clarification on what the repercussions would be, if they were to report.

In terms of discrimination, if somebody is working under the table as an undocumented worker, they're already getting ripped off in terms of the fact that they're probably not getting paid minimum wage. In addition to that, if they're experiencing sexual violence, they probably (a) don't know what their rights are and (b) will be scared to report because at least there is some sort of an income coming in for them. They would lose that by reporting, by losing their job. Also, if under the current law, there isn't clarity in terms of what the rights of undocumented workers and workers with precarious status are, then they don't have the right to report. That's the way that I see that happening.

Discrimination obviously is happening in many forms. We recently wrote a letter about Islamophobia after the Paris attacks and how it has been impacting community members here. Definitely, issues around racism and xenophobia are always there for, particularly, racialized immigrant women. In terms of—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time with this questioner, too. We'll go to the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. You've made some really useful recommendations for changes to the act. One section of your presentation dealing with schedule 3 and the requirements for campuses to have stand-alone sexual violence policies really struck me, and that was your recommendation that international students have the same access to counselling and other services without having to pay additional fees. When international students register on

Ontario campuses, don't they pay for access to health care services? Have you heard of fees being a barrier?

Ms. Krittika Ghosh: International students get privatized insurance called UHIP. In terms of that, they do have access to services on campus, but not so much—there's a lack of services that they have in terms of counselling services off-campus. They would have to pay up front and then get reimbursed later on for all these services through UHIP, which constrains many survivors from actually accessing them.

Later this afternoon I think my colleagues from the Ontario college student union are going to be speaking. They will be addressing this topic in more detail in terms of how they have been pushing for international students to also have access to OHIP and the same kinds of resources that domestic students have, because right now they are not getting the same access to services.

Ms. Peggy Sattler: So currently, if an international student experiences sexual violence on campus, they would be limited in terms of the supports they can access?

Ms. Krittika Ghosh: Yes.

Ms. Peggy Sattler: The other question is around the Residential Tenancies Act. Going back to your—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say that you're out of time. Thank you very much for your presentation today.

Ms. Krittika Ghosh: Thank you so much.

SURVIVORS OF MEDICAL ABUSE

The Chair (Mr. Peter Tabuns): Members of the committee, Newcomer Women's Services Toronto was not able to appear today, so we're going to the next presenter after that: Survivors of Medical Abuse.

Ms. Sharon Danley: Good morning.

The Chair (Mr. Peter Tabuns): Good morning. As you know, you have up to 10 minutes to speak, followed by questions. Once you've settled in, if you'd identify yourself for Hansard, we'll go from there.

Ms. Sharon Danley: Hi, everyone. I'm Sharon Danley with the Survivors of Medical Abuse.

As a decades-long, unfunded stakeholder and survivor myself and advocate who is engaged on the ground with survivors and victims of sexual abuse, we are keen to have our right and opportunity to speak to Bill 132 exercised. It is presented with respect while illuminating the serious problems.

As we've always been unfunded and without benefit of a team of researchers, lawyers or staff, with little time to prepare, I'll avoid attempts to make this bill appear competent and cut to the chase, because most of the bill obfuscates the real problems, avoids the hierarchy taking responsibility and is, quite frankly, completely inadequate except for changing the limitations to file for victims' compensation, which should have been done a long time ago.

It's really more about abuse management than abuse eradication. Bottom line: All institutions that enjoy the

privilege of self-regulation must have that criminal element of sexual abuse, in any form, removed from their adjudication and tribunal processes under their regulated advantage. They have proven over and over that they are unqualified, militantly ignorant and transparently self-serving.

All other crimes are reported to the police, as should sex assault in any form. Anything less is irresponsible, continues to support the growing harm and sends the loud, clear message that it's still okay, even when the Ontario government attempts to hoodwink the public into pretending that it's not.

It has been proven extensively that self-regulation is self-serving and protects the perpetrators while revictimizing and traumatizing its victims. It's also a well-known fact that the government is well aware—and this committee should be too—that the trauma and revictimization of a woman giving testimony about her sexual harassment, abuse or violence is deplorably medieval, often causing greater harm than the original assault and often puts her into a state of PTSD and its fallout for years, with the accompanying myriad financial costs to the taxpayers and the victim.

Because women are put on trial rather than their perpetrators in every sector, it significantly silences their voices. The government continues to allow women to be the ones suffering deterrence, not the perpetrators. In a nutshell: That's your problem.

Excellent examples of self-serving, self-regulated institutions are the police, military, higher learning institutions, regulated health professions—especially the College of Physicians and Surgeons—the law society, teachers, OHIP, government and others. We've all seen the antics in the news of self-governing institutions' outrageous indifference to victims and their primitive views on the subject of protecting their perpetrator members over their victims.

1050

We must include the extremely underrepresented older women who are seen as being past their desirability yet are still abused. Women with disabilities, who are almost 15% of the population and growing, are often stereotyped as less intelligent and often depend on a variety of people to assist them in their home or institutions, where they can't escape, and so are more abused by their caregivers—and they are often shamefully considered incompetent witnesses by the police and courts if they require reporting assistance. And First Nations? Well, we all know the drill there, or we ought to.

The time and money that has been spent over the years in pretending and duct-taping rather than truly eradicating the problem is shameful—and I'm not including the personal, lifelong cost to victims either. That is another incalculable cost.

The recent creation of the round table, the select committee and the third task force in 25 years, all commissioned to address sexual abuse yet not working together, is an excellent example of spending monies that only employ policy-makers, academics and lawyers touting

infantilized programs for victims, pushing papers around with cheap talk while doing very little that's concrete. Yet victims continue to hit the wall of indifference and condescension over and over. They say that it takes time to change; well, the time is up.

I must state that there are many front-line, lowly paid angels in the fields working desperately to help, yet they have become fewer and fewer. But for the better-paid hierarchy, funding is the main thing that drives service agencies and shelters these days. It pays their salaries, but very little of that money gets to the victims. That statement will no doubt make a number in the field angry, but the truth is the truth. Just ask a victim or a survivor.

The other component that people are reticent to speak about is the growing cultural biases which favour the subjugation of women, especially in sexual assault. Respect for women is declining in this country, and sexual violations are on the rise. Nowhere does this growing problem appear to be addressed. Education is important, and it needs to be clear that we don't and won't tolerate abuse in any form in Canada—end of story. Yet it appears we do, because nothing concrete is being done to eradicate sexual abuse or violence. We just create commissions, study the issue and talk about increasing shelters for women and children, or print meaningless brochures or run infantilized programs. Yet nothing is being done about the emerging new problem of cultural bias that subjugates women. We do nothing about privileged, self-regulated institutions that wilfully and with government sanction continue to unabashedly revictimize and terrorize victims if they even have the courage to step up and name their abusers.

Government has a major responsibility to everyone to truly lead and stop this insanity. Yet currently, they've embargoed the recent task force report, saying it isn't finished when in fact it was delivered by the chair months ago. I have a document from the government stating this lie and ignoring requests to meet.

Spending inordinate amounts of time, energy and money on trying to super-glue outdated acts and laws that help nobody costs huge amounts of money that could be given to victims and continues to send the message that it is okay to sexually abuse. And the underlying message to perpetrators says, "Try not to get caught, but if you do, well, you'll most likely be dismissed or you might get a slap on the wrist."

Instead of duct-taping and overly legalizing another bill that really does no good except for changing the limitation period to file for compensation, here is what we propose—actions that are straightforward and get the job done:

(1) All sexual violation components in all institutions currently under the jurisdiction of self-governing bodies must be removed, as they are Criminal Code violations, and should be in the hands of a seriously updated court system.

(2) The law must be redesigned to give victims equality before the law and full-party standing, and to stop putting victims on trial for speaking up.

(3) Officials must stop categorizing sexual assault, attempting to diminish the damage caused by creating hierarchies of abuse by using terms like "simple assault" or "sexual impropriety" or ignorantly suggesting that offenders continue working, but be supervised or limited or chaperoned.

(4) Serious deterrents must be put in place that would be achieved through publicly naming offenders and giving them the full extent of the law.

(5) Society must stop the segregation of groups and silos in sexual violence across the board, and victims must be given adequate reparations directly and with speed.

(6) Monthly PSAs throughout all media about what's not okay. We learned to quit smoking. We buckled up. We can eradicate sexual assault, harassment and violence.

Government has a responsibility to victims which is not being met. It has a duty to publicly broadcast and educate that all forms of sexual abuse will not be tolerated under any governance, under any religion or any circumstance.

Time is up, ladies and gentlemen. It's time to take a stand. It's time to protect victims. It's time to make abusers, including political ones, accountable and experience the full weight of the law. It is time to set strong deterrents in stone. It is time for this government, after more than a quarter century of knowing the problems, to do your job and take seriously the massive action needed immediately. Anything less than what I've stated here simply makes a sham of the It's Never Okay propaganda campaign, because truthfully, the real message is still, "It's still okay." So carry on. We say enough is enough. Thank you.

The Chair (Mr. Peter Tabuns): Thank you for your presentation. Given the time limits, the opposition will have a full five minutes.

Ms. Laurie Scott: Thank you very much for appearing and your very impactful statements that you've made. Do you know of any other jurisdictions where self-regulating bodies—the College of Physicians and Surgeons is one of the examples you used—are not able to investigate sexual assault or violence charges?

Ms. Sharon Danley: Are not able to—

Ms. Laurie Scott: Are not able to in their own self-governing body.

Ms. Sharon Danley: I don't think any self-governing body can. First of all, they're not trained.

Ms. Laurie Scott: Okay. But just specifically, say, a college of physicians and surgeons in another jurisdiction—say the States or something. I use the College of Physicians and Surgeons, but anyone. That responsibility is taken out. I know it's a self-regulating body, but—

Ms. Sharon Danley: I'm sorry; I'm not understanding your question.

Ms. Laurie Scott: In the States, is there a specific state, or do you know of any other jurisdiction—

Ms. Sharon Danley: Like I said, I don't have researchers; I don't have lawyers; I don't have staff.

Ms. Laurie Scott: Okay. I just wondered.

Ms. Sharon Danley: I'm a single, lonely—I have my own computer. That's all I got, folks. That's the best I can do.

Ms. Laurie Scott: Well, you're doing well with that. But I was just wondering if there was anything else that—

Ms. Sharon Danley: Well, you see, people cross borders. They cross countries. Let's take the CPSO as an example. If they lose their licence here, they can often-times go to another province or they can go to another country. Did you see the news last night on CBC, about that very thing? It has to be broad, it has to be across Canada, but Ontario has to do its job. It can set the tone for Canada if it really wanted to.

Ms. Laurie Scott: It's a big issue.

Ms. Sharon Danley: Yes.

Ms. Laurie Scott: That's why I was wondering if there were other jurisdictions you may have been able to talk about.

I agree with you in the fact of the element of sexual abuse. They do not have the qualifications to deal with this. I'm a nurse in my other profession. I've certainly seen it with the medical profession.

You've made some recommendations, pretty powerful ones. I don't know if you were here when Mr. Yakabuski was making a dissertation about why we are still, 40 years later, discussing the same issues. So you don't feel the government's campaign, the It's Never Okay campaign, the ads—

Ms. Sharon Danley: Well, like I said, I presented, for the third time in 25 years, to the sexual abuse task force. It was presented July 31 by the Chair, and it's been embargoed. Why? Why are we not getting to it? I, as a deputant, deserve the right to see what that task force report was from the Chair. If it was never okay, then why aren't we doing a better job? Why can't I get a meeting with the Minister of Health or the Premier? I'm sorry, the round table and the select committee—these committees aren't working together.

1100

Ms. Laurie Scott: Well, we're trying.

Ms. Sharon Danley: I'm on one of them. They're not really. I'm on one of them, and I can't say anything, but I've got to tell you: I'm not impressed. I'm not impressed at all.

And what is it costing for all of these things? They're like silos, working in all of these different groups. There are all kinds of groups working on it. Why can't we bring that under one umbrella, making simple, straightforward changes? They may not be that easy, but they're straightforward.

Changes in law have to be done. Self-governance has to be removed as far as the sexual abuse component is concerned, because it's a Criminal Code violation. If you were to rob them or to break into, let's say, the CPSO—any other kind of crime would be reported to the police. These people at these self-governing institutions haven't got a clue; trust me.

Ms. Laurie Scott: I hear you. Thank you very much for your deputation today and your recommendations.

The Chair (Mr. Peter Tabuns): Thank you very much.

Ms. Sharon Danley: Thank you.

ONTARIO NURSES' ASSOCIATION

The Chair (Mr. Peter Tabuns): The next presenters are the Ontario Nurses' Association. Good day. As you've heard, you have up to 10 minutes to present, followed by questions. Please introduce yourselves for Hansard. It's nice to see you here.

Ms. Sharan Basran: My name is Sharan Basran. I am the manager of litigation and legal counsel at the Ontario Nurses' Association. I am joined by Lawrence Walter, who is ONA's government relations officer.

ONA is Canada's largest nurses' union. We represent 60,000 registered nurses and allied health professionals, as well as 14,000 nursing student affiliates. The majority of our members are women, and are often the victims of sexual harassment and solicitation in the workplace.

Too often in my role, I constantly hear reports of our members suffering violence and harassment. Just to give you an idea of what our members face, in the last year, we had a nurse who was beaten beyond recognition. We had another nurse who was stabbed by a patient, narrowly missing an artery. We had a nurse who was required to undergo a finger amputation due to a violent attack.

Sexual grabbing and assault are not uncommon. I just had a report yesterday of a nurse in a mental health facility at a major hospital in Ontario who was subject to sexual assault by a patient.

Unfortunately, there are also threats from co-workers. A nurse was recently subject to repeated sexual harassment and solicitations from a physician.

These are repeated and daily events for our female membership, so we feel that we are well positioned to provide recommendations in relation to the bill. We have a number of tweaks that we think are important to consider, so we'd like to turn to Bill 132 and generally give you an overview of our position. There are five issues and concerns that we have, and we have corresponding recommendations that we'd like to make to the committee.

Our comments are largely directed to schedule 4, which focuses on the Occupational Health and Safety Act. We think that it provides important enhancements to the harassment provisions, but we think that they fall short in several respects.

We want to commend the government, the Premier and the committee for your commitment to eliminate and address sexual harassment. We share this important legislative objective with you, but we do think that there are some unintended consequences to the bill if there are not specific amendments. So I'm going to go through my list and make the recommendations.

The first is about prevention. We deal with this on page 4 of our submission. We think that Bill 132 is more

reactive than proactive or preventative. The very heart of occupational health and safety legislation is to be preventative. So while the new legislation requires employers to investigate based on a complaints-driven process, the new provisions do not explicitly require the employer to take preventative measures to deal with potential hazards of harassment before they happen and workers are placed in harm's way.

The legislation as it stands now does impose a preventative duty on employers when it comes to violence, but it carves out harassment and, in our view, respectfully, creates a double standard. So we say whether it's harassment or violence, they need to be treated equally.

We have drafted an amendment to require the employer and supervisors to take every precaution reasonable in the circumstances to protect a worker from harassment, including sexual harassment. Section 32.0.5 is currently in the present legislation. What we're proposing is it that be expanded to just not address violence but also harassment.

Our second point is in relation to a program to implement a harassment policy. We think there are a couple of flaws here in that there is no requirement to consult with the joint health and safety committee in coming up with this program. This is really about taking a harassment policy and putting it into action. What are the measures and procedures that you are going to put in place as a practical measure? We're not just dealing with a policy on the books, but we're talking about policies that are effective to protect workers.

For the proposed amendments under section 32.0.6, we think that to achieve the legislative intent to stop harassment in workplaces, employers need to consult the joint health and safety committee in regard to developing the program. The committee is well situated; they are experts in the field and I think not to consult with them is a significant gap.

I noted that in another schedule, dealing with universities and colleges, there is a requirement to seek student input in relation to coming up with a policy on sexual violence. I think that is a great example, and we want to have parity in all of the sectors. Whether I'm in a workplace or whether I'm in a university or community, we think that there should be similar input when it comes to workplaces in Ontario.

The other piece of it is that there's no requirement for the program to be in writing. We simply say, when it comes to a program, measures and procedures should be in writing.

Next, the bill currently doesn't recognize mental injury caused by sexual violence. Again, we notice that there is a bit of a difference when it comes to the different schedules under the bill. The amendments to the act covered in schedule 3, which deals with universities and colleges, and schedule 5, which is private career colleges, contain a proposed definition of sexual violence. Interestingly, that refers to sexual acts, whether the act is physical or psychological in nature. Yet when you go to the Occupational Health and Safety Act in schedule 4,

workplace violence is limited to physical force that could cause physical injury.

As a recent example, we had a nurse who was sexually assaulted in the workplace and was made to perform a sexual act on a perpetrator in circumstances where her life was threatened. She wasn't physically injured during the assault. However, she experienced trauma, psychological harm and was mentally injured. I would argue that more often than not, when you're dealing with sexual assault, when you're dealing with sexual harassment, psychological harm is a huge component and to not recognize psychological harm is a major deficiency, I would say, in the bill.

We recommend that there needs to be explicit reference to psychological harm and injury and, quite frankly, there seems to be this dual treatment, that you've got workplace harassment over here and you've got violence over here. Why not create a single definition instead of creating this hierarchy of "Is this violence? Is this harassment?" and having an endless debate about categorizing the nature of the act? According to the legislation, there are different things that happen if it's violence versus if it's harassment. We suggest that you have a single definition of harassment and violence, invoking an identical and equal duty to prevent and respond to incidents at all points on the continuum.

1110

The Lori Dupont inquest is a case in point. The acts against Lori Dupont started with harassment and gradually escalated over time into violence. The inquest identified 84 missed opportunities. In applying that in terms of the recommendations that we're saying, if there's an overall duty on the employer to take preventative action, you need to start acting on that very first act on the continuum. That may not be viewed as serious on its own, but it can escalate into violence.

The fourth point that we want to talk about is confidentiality. This is a really, really important balancing act. Currently, under the present provisions—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're actually out of time.

We'll go to the third party: Ms. Sattler. Under our rules, she'll have five minutes to pose questions. We won't be rotating at this point. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation and for your expertise that you're bringing to this committee on the occupational health and safety issues. I'd like to hear what your concerns are about confidentiality, if you could just elaborate on some of those.

Ms. Sharan Basran: Great, thank you. Currently, under the provisions, what I was going to say is there is what we think is absolute confidentiality over the investigation process. We understand that, for victims of sexual harassment, confidentiality is very important so that they can feel comfortable making a complaint. However, on the flip side of confidentiality is: Are there circumstances where very limited disclosure should be made where there is a risk to other workers?

What we want to recommend is: An employer should have the ability, where there is a hazard presented to other workers, not just the complainant—because there are times where it's not just purely private or between two people. We think that an employer should be able to disclose only that information which is necessary to protect other workers. I've reviewed the current legislation and I see no ability right now for an employer to warn other workers or even to tell the joint health and safety committee, "Look, we have very serious harassment in this particular unit. We think that several workers are at risk." I see no exception to that circumstance, and quite frankly, it worries me. An employer could be in possession of very relevant information and have no ability to warn anyone, and that frightens me, quite frankly. So that was one thing that we noted.

The second thing that we noted is what the legislation says right now is if there is an investigation and you get a report with results of the harassment investigation, it's shared with the complainant and the alleged harasser, but it's not shared with the complainant's union in a unionized workplace. So we say, why not allow employers to share the results with the complainant, if represented by a union? I can tell you, from personal experience, you have great employers out there who will share a lot of information, but the effect of these legislative provisions—and I know this—is that I'm going to hear from employer counsel and they're going to tell me, "You don't get anything. The Occupational Health and Safety Act says that I can only share it with the complainant." So the net effect of that, in my view, is that you put the entire burden of enforcement on the complainant, and that causes me concern. There is no help for the complainant because, arguably, if you read this literally, she can't even share it with anyone. I think the confidentiality is important. I just think it's so absolute that you haven't carved out important exceptions.

Ms. Peggy Sattler: Okay. We've heard previously in this committee recommendations for mandatory training in the workplace, particularly because of the weakness of Bill 168, which was supposed to address the Lori Dupont circumstances. What's your view on mandatory training in the workplace?

Ms. Sharan Basran: In my experience, training is an important preventative tool. I think that you need to have training. I believe that there should be mandatory training because I think it's awareness that leads to prevention, which is going to stomp out harassment in the workplace. To me, it's only by educating and creating awareness by the people who are going to be implementing the policy programs that you get effective enforcement. You could have the best policies in the world, but if you don't have someone who is educated and knows how to apply those policies and programs, you've just weakened and undercut all of the great work that you've done in this bill.

Ms. Peggy Sattler: You talked about the need for a single definition of sexual violence that would put sexual harassment on a continuum. Did you include language for a recommended definition? Is that at the back?

Ms. Sharan Basran: Yes.

Ms. Peggy Sattler: Okay, I'll take a look later. In the appendix?

Ms. Sharan Basran: Sorry, we haven't actually. What we did is we worked within the present framework, I think.

Ms. Peggy Sattler: If you have some language that you would like to see replace what's in the present framework, so that there is a single definition, I'd be very interested in that.

The last question is about the role of the joint health and safety committee. Are there other places in the Occupational Health and Safety Act that the joint health and safety committee has a more proactive role in terms of policy development that's not reflected in this schedule?

Ms. Sharan Basran: I would say, generally, the employer has to report hazards to the joint health and safety committee—

The Chair (Mr. Peter Tabuns): I'm sorry to say that we've run out of time.

Ms. Sharan Basran: Okay, just one quick point: Would it be possible to email? There has just been a request to come up with a single definition.

The Chair (Mr. Peter Tabuns): Yes, our Clerk will talk to you, and we'd be happy to have that.

Ms. Sharan Basran: Thank you.

The Chair (Mr. Peter Tabuns): Thank you. It's good to see you both.

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

The Chair (Mr. Peter Tabuns): Our next presenter is the Toronto Workers' Health and Safety Legal Clinic. As you've probably noticed, you have 10 minutes to present. There will be questions afterwards. Please introduce yourself for Hansard.

Mr. John Bartolomeo: Good morning. My name is John Bartolomeo. I'm a staff lawyer at the Toronto Workers' Health and Safety Legal Clinic. We are a specialty legal aid clinic in that we serve a specific subset of law: We handle occupational health and safety unlawful reprisal applications before the labour board. Through that, as well, we have corollary issues that we cover, such as sexual harassment. We proceed with those types of applications in front of the labour board, but also at the Human Rights Tribunal of Ontario.

My comments today will be limited to schedule 4 of the act: amendments to the Occupational Health and Safety Act. In respect to our suggestions towards the proposed bill, we have to say that we are encouraged by the proposed amendments to the Occupational Health and Safety Act, but we feel there is more to be done and that we can step forward and present a cohesive plan, incorporating what the bill hopes to achieve, but also the suggestions in It's Never Okay and the final report of the Select Committee on Sexual Violence and Harassment.

When you contemplate all those documents together, I think we have an opportunity to refashion a workplace that assists my clients. My clients are generally low-income, new Canadians, young Canadians. They do not have the benefit of union membership, and given our financial eligibility requirements, they are entirely low-income wage earners. Those circumstances do not lend themselves to workplaces that have a health and safety committee or a health and safety rep to assist them, so they are essentially alone until they come to our clinic. We have to assist them based on recent changes to the legislation. While the proposals, as I indicated, are positive, there is still more to be done.

With respect to the changes that I am going to suggest today, I have four recommendations.

The first one I would like to address is with respect to the definition of workplace harassment. Nine times out of 10, when an employer has harassed a worker, the response from the employer is, "This is just management of our workers. It has nothing to do with harassment." That is the first line of defence employers will generally submit to the labour board or to any application we submit. The danger I see in Bill 132 is that you have effectively codified the first line of defence of an employer by suggesting that management of employees does not constitute workplace harassment. By putting that barrier to any harassment complaint or investigation, you've given the employers an arsenal that I don't think they need. I think workplace harassment should be investigated and the reasons behind employer decisions should be investigated and not given a way out at the first instance.

1120

So my first recommendation is to strike subsection 1(3). "A reasonable action taken by an employer or supervisor relating to the management and direction"—that should be struck. If there is some belief that there must be some kind of initial protection, our proposal is that we include wording that focuses on respect for the workers. We suggest in our alternative that phrasing include that so long as workers are treated with dignity, integrity and respect, then management of workers is a reasonable action.

The second recommendation we have is the inclusion of a code of practice. This is one of the recommendations we made in front of the select committee. Stopping workplace harassment and workplace violence is more than just rooting it out when it's raised as an issue. What we propose is making a positive workplace. There is a best method and a best practice to how we choose to organize our workplaces, and that's giving the respect that workers deserve, the dignity that workers deserve; that they are treated not simply as subordinates but as individuals with rights. That is why we propose that in any policy, there is a declaration that employers are to provide a workplace free of harassment and that we promote respect and dignity for workers in the workplace.

The third recommendation we have is with respect to access to investigation of complaints. The wording, as it

is currently phrased, is that a worker, and/or the assailant if they are an employee, is informed in writing of the results. The way the wording is, in my view, does not allow the worker or grant the worker a right to the report itself.

This comes up on occasion, as a practitioner in these types of applications before the labour board. I can give you an example: An employer can simply give you a summary of what the report said. That doesn't necessarily mean the summary is correct. That doesn't necessarily mean the summary tells the whole story. It is only after we demand a copy of the investigation report that a worker gets a full picture of whether or not the investigator actually paid attention to the specifics, whether or not the investigator interviewed the correct people and whether or not the worker's complaints were treated with the appropriate response.

One example I can give is whether or not an incident has been weighed correctly by an investigator. We can see that, not from a written summary or an executive presentation from the employer, it is from the document itself.

We propose in our amendments that the individuals involved get a copy of the report. I acknowledge that there is some need for privacy concerns if there is an investigation that involves interviewing witnesses. These individuals don't necessarily want to have their names attached to these types of reports. So we contemplate some subjective or objective level of privacy for third parties who are pulled into the report through investigation. But for all intents and purposes, why can't a worker have access to their own report? That needs to be expressed clearly in the legislation.

The fourth and final recommendation we have with respect to schedule 4 is one that we made before the select committee, and it's one I've already heard from previous deputants: We cannot differentiate between the treatment of workplace harassment and workplace violence under the Occupational Health and Safety Act. In this regard, I mirror the select committee's recommendation in and of itself, which was recommendation 33, I believe, that the opportunity in Bill 132 before you is the chance to give clear indication to the labour board, to parties, that workplace violence and workplace harassment are to be treated the same, in that we proposed an amendment that clearly identifies that the employer duties, the supervisor duties and the worker duties, as set out under the Occupational Health and Safety Act, apply as appropriate with respect to workplace harassment.

This will alleviate any concerns I have as a practitioner when I appear before the labour board because, as I had the opportunity to tell the select committee, the labour board recognized, or at least their vice-chairs recognized, that there was a difference between how the Legislature chose to treat workplace harassment and workplace violence. Noting that, there is a vice-chair decision that is quoted that says, effectively, that if the Legislature wanted harassment and violence treated the same, they would have used the same language. Since

they didn't, it's clear that harassment doesn't get the same types of protection that violence does. That has changed through a couple of decisions that we had the opportunity to argue, but now is the opportunity for the government to make the change recommended by the select committee. Change the language so that workplace harassment gets the same coverage.

In summary, this is an opportunity to improve Bill 132 with our changes, to protect workers, to make it clear that harassment is to be treated just as seriously as workplace violence. Thank you.

The Chair (Mr. Peter Tabuns): Thank you for that presentation. Given the time limits, the next five minutes of questions will go to the government. Ms. Malhi?

Ms. Harinder Malhi: Actually, no, it's Mr. Rinaldi.

The Chair (Mr. Peter Tabuns): Oh, Mr. Rinaldi. My apologies.

Mr. Lou Rinaldi: That's fine. Thank you, Chair.

Thank you, Mr. Bartolomeo, for being here today, and for your presentation.

Chair, just with your indulgence, just a quick comment this morning: We talk about education, from past presenters, and I just thought—I had this in my mind that I'm quite impressed with the number of deputants we have from colleges and universities, and that's where we talk about education and its importance. I just wanted to make that comment. I didn't mean to interfere with your time.

The last thing you talked about, and as you mentioned, there were other deputants that brought the issue up—just bear with me here—on your sheet is the difference between workplace violence and workplace harassment. We treat them as two different things, and there's confusion.

Not being a lawyer, I guess what I would ask from you is, do you have a recommendation on how we could marry the two together, or if there's a possibility, understanding that there are some differences, I think, from a layman's perspective, but yet in the end, the meaning could be the same? Do you have any sense of how you could marry the two together?

Mr. John Bartolomeo: You have two options in that regard. There is already a provision for workplace harassment under the Occupational Health and Safety Act. You could choose to add in the simple words "and harassment" to the appropriate section. Or, as I have drafted, I have effectively mirrored the section that says employer duties, supervisor duties and worker duties apply, as appropriate, with respect to workplace harassment, so that when employers, supervisors and workers fulfill their obligations under the act, they are to keep in mind that this is also in respect to workplace harassment.

Mr. Lou Rinaldi: So you think that would satisfy that, from a legal perspective?

Mr. John Bartolomeo: That would at least remove a few weapons in the arsenal that employer counsel uses against me when I make these applications.

Mr. Lou Rinaldi: Switching to recommendation number 1 that you have here, can you maybe provide a little bit more clarity on your recommendation?

Mr. John Bartolomeo: When you read the transcript—and I say to you, "You have to work late tonight," and I'm not making eye contact—I'm staring at another part of your body—that could be deemed simply management, because I'm telling you that you have to work late tonight. If I'm putting you in an uncomfortable position where I am not treating you with the dignity and respect as an individual, it should be clear that that type of behaviour doesn't have an escape route or a clause that an employer can hinge themselves to by saying, "Well, this was just me trying to tell them they have to work late."

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There are many examples of how people are not treated with respect and how they have to endure harassment. To effectively put into the legislation a section that says, "Well, if you're being reasonable, that's okay"—that's the first place every aggressor will go to to defend themselves. I don't think that needs to be in the legislation.

Mr. Lou Rinaldi: I'm going to change the subject a bit. From a legal perspective—it's a two-part question, if I may. One, the bill as it stands now: Will it help the legal profession to defend the victim? Secondly, can you comment on the elimination of the two-year limitation period for survivors—whether this would enhance the process to bring the issue forward?

Mr. John Bartolomeo: There's no doubt that the bill will help. My thinking when I made these submissions—and they're co-written by our lawyer director, Linda Vannucci, who is unwell and can't make it today—is: How does this bill present itself in a way that we can do better at the labour board? How do we make our case easier?

The recommendations I have made are largely to stop us from having further impediments and barriers in making our case, so that's why we've asked for the removal of the notion that a reasonable action can somehow exempt employer actions from the definition of workplace harassment. That's why we've asked for a code of practice. That's why we've asked for inclusion of the concepts of dignity and respect and that's why we've asked for further protection for workplace harassment under the Occupational Health and Safety Act. Yes, there are positive steps forward, but we can always do better. This is the opportunity we have to follow through with the recommendations of the select committee, so while we're here, we may as well do it.

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, we've run out of time. Thanks very much for your presentation.

Mr. John Bartolomeo: Thank you.

UNIVERSITY OF TORONTO

The Chair (Mr. Peter Tabuns): The next presenter: the University of Toronto, office of the vice-provost, students and first-entry divisions.

As you've heard, you have up to 10 minutes to present. That will be followed by questions. Once you're settled, if you'd introduce yourselves for Hansard.

Dr. Mayo Moran: Hello, I'm Mayo Moran. I'm the provost of Trinity College, and before that, I was dean of the faculty of law at the University of Toronto for nine years. I was the first woman to hold that position.

My research focuses on equality and inclusion. I've done quite a lot of work on law reform in the area of sexual violence. I recently reviewed the AODA for the government of Ontario and I am currently chair of a committee that oversees a tribunal that adjudicates claims of sexual and physical abuse in the Indian residential schools settlement agreement.

Ms. Andrea Carter: Hello. I'm Andrea Carter. I am the director of high risk and AODA at the University of Toronto. I help to oversee crisis and critical incidents and the management of those incidents on all three of our campuses. I work very closely with faculty, staff and students in the prevention and response to sexual violence. I am also a member of the Council of Ontario Universities reference group on sexual violence.

The University of Toronto is committed to a safe working and learning environment on all of our campuses. We applaud the government of Ontario for its commitment to establish a fair and equitable society. We fully support the efforts and intention of the government of Ontario in recognizing the benefit of living without the threat and experience of sexual violence, sexual harassment, domestic violence and other forms of abuse. We appreciate the opportunity to speak with you today regarding the proposed act.

The University of Toronto has over 85,000 students, over 15,000 employees, three campuses in two municipalities, and is affiliated with teaching hospitals across Toronto and Peel regions. Our faculty includes leading experts in the areas of sexual violence, intimate partner violence, legal reform, consent, trauma and workplace harassment.

The university is committed to creating an environment that is free from discrimination and harassment and is safe for all of our students, staff and faculty. These efforts are supported by a range of policies and resources which, over 20 years, have continued to evolve, showing a long-standing and progressive effort to address these issues.

The university has a range of professionals who work to provide education and training related to the prevention of sexual assault. Many of the training efforts concentrate on first-year students during orientation, and others continue throughout a student's time at the university. We address sexual assault, the threat of sexual assault offences, and sexual violence under our code of student conduct and our workplace violence programs. We work to ensure that our students, staff and faculty understand the range of options and resources that are available for them should they require any assistance following an assault or have safety needs while on campus.

We do wish to raise three areas of challenge with the proposed bill that we believe, if addressed, will create

effective and efficient legislation that supports the goal of the elimination of sexual violence and its impact.

Dr. Mayo Moran: I will speak to the first one. It won't surprise you, since I'm a lawyer, that I'm going to direct your attention to the proposed definition of sexual violence in the act. What we recommend is that that be amended to remove a phrase that is included. That phrase states "whether the act is physical or psychological in nature." Let me just explain to you a little bit why we think that's important.

First of all, I think it's important to say that we support a broad definition of sexual violence that includes both physical acts and acts that are not physical but that cause psychological harm. We think the definition should include physical harm, psychological harm or both, as is often the case.

The definition of sexual violence in the act as it's laid out already specifically refers to threats and attempts as well as committed acts. It encompasses activities like stalking and voyeurism. These elements of the proposed definition, therefore, I would suggest, already cover acts where there is no physical contact but there's a psychological impact on the survivor: examples like cyberbullying, threats and those kinds of things.

In this context, I would suggest that the addition of the clause "whether the act is physical or psychological in nature" is likely to create uncertainty. Even an utterance or a communication is an act, so it's very hard to see what an act that is psychological in nature could be. The clause, therefore, I would worry, introduces an element of confusion. Since the definition of sexual violence is at the very core of the legislation, it's extremely important that that definition be very clear. What we would suggest is that that goal of covering psychological impact is already there in the legislation, and that clause that refers to acts that are psychological in nature only introduces confusion, is unnecessary and should be removed.

Ms. Andrea Carter: The second area that we would like you to consider looking at more closely is the proposed collection of information for the minister. I know that you've heard from several universities today about the positioning of a climate survey being the best option for this type of information gathering.

We do believe that it's very important to gather relevant and reliable data in order to understand the prevalence of sexual violence on our campuses. We also know that research indicates that the best means of accomplishing this goal is through the use of climate surveys, so the university recommends that climate surveys, rather than the data collection outlined in subsection 17(7), be adopted to facilitate the legislative goal.

We understand that most victims only disclose when they are confident that their confidentiality will be respected. Reporting any information from counselling and support services may discourage victims from coming forward. There is a difference between disclosure and formal reporting, a difference that is very important to the individual who has experienced sexual violence. We believe that the collection of data from universities in

the manner proposed in the bill may prevent confidential disclosures.

It's also very important for this committee to know that when a victim discloses to the university, it does not have to be a formal one in order to receive supports and accommodations. We would like confidential disclosures to be protected. We believe that this would be achieved through the utilization of climate surveys. We are fully supportive of understanding the experiences of our faculty, staff and students on our campuses and their perception of safety, and we also fully support the need for incoming students and their parents to make informed decisions about where they would like to experience their education. We do believe, though, that climate surveys will assist in bringing us benchmark data for comparison and improvement over time.

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Dr. Mayo Moran: And then I'm going to address—sort of back and forth here—the last issue, which is some of the elements around the sexual violence policy.

First, I think it's important to say that we support a stand-alone policy as outlined in the bill, and we believe that policy should set out the process to deal with complaints of sexual violence. However, we note that the legislation contains no guidelines for that process. Therefore, we would suggest that it would be important to work with the Ministry of the Attorney General very early on to develop guidance for institutions that are seeking to develop processes to ensure that they're effective and procedurally fair.

The process for handling and, in particular, adjudicating complaints of sexual violence on campus, as I'm sure you can imagine, is likely to be very closely scrutinized. Often, both parties are members of the university community and the stakes are high for both of those parties. Designing a process that works well and ensures procedural fairness in that context is extremely important, but it requires expertise and resources. As a lawyer, I would say that it is extremely easy to go wrong.

Where such processes are not well thought through or where they're perceived to be unfair, unfortunately, the experience elsewhere suggests they end up getting challenged in court, with lengthy proceedings that are not good for anyone. As I'm sure you're aware, in the United States, title IX of the Civil Rights Act has been used to respond to incidents of campus violence. I think many aspects of that are very welcome and have made a big difference on campus. However, the unevenness of the procedural elements of hearings and that sort of thing has resulted in massive litigation in the courts, which, unfortunately, has very bad consequences for all of the parties involved. It prolongs the events and it's not desirable.

We would suggest that the government has an excellent resource: lots of wonderful lawyers in the Ministry of the Attorney General. It would be very desirable to connect with them and to ensure that there's some guidance given to institutions so that the processes are procedurally fair and effective in adjudicating these complaints.

That's the end of our formal remarks. We'd like to thank you for hearing us. As my colleague said, we're very supportive of the bill. And since the University of Toronto is a big research powerhouse, we'd be happy to have any further discussions or consultations if that would be helpful. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. Given the time limitations that are available, this rotation for five minutes goes to the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for appearing here today. Your input has been very valuable. We've heard a lot about the definition and the amendment that you brought forward, and I think that coincides—you might have heard some earlier presenters' discussion on that. I think that leaves it open to a possible amendment for that definition.

We've also heard a lot about the climate survey; different arguments. My concern is, how does one know, when someone comes forward, a student comes forward or anyone comes forward—because we are looking at not just students being encapsulated into the bill, but including faculty and everyone in the campus community. How do we know that person who has come forward has gotten proper treatment? We're wanting to track it to make sure that that treatment is followed and the best treatments are made available. How can we, the ministry or whoever, monitor that and feel safe that there is enough treatment offered?

Ms. Andrea Carter: I think that there's a difficult task ahead of you. I understand your desire to want to know that the victim is fully supported and I think that the solution around collecting numbers on where that victim may go to receive support doesn't actually answer the question that you're trying to get at with that data collection.

What we try to do at our university in particular is to have structures in place where those services are supported by levels of additional resources and other services around them so that they're able to help to navigate the student when they come in to the door for assistance, that a formal report does not need to be made in order to have access to those services. When they come in to, say, accessibility services and are requesting an accommodation for an exam because the incident has happened and it has prevented them from being able to embark on their studies for that examination, we're able to put those things in place, working through that service and through our professors, and make accommodations as needed.

We also have a complement of services that work very closely together, and so the student then can move through into counselling services, if the student is in crisis. We have partnerships with Women's College Hospital, for example, which has been a phenomenal partner in this area in supporting our student needs. What we've tried to do in our framework and structure is make sure that each of our services are interwoven so the student isn't having to bounce around, but in fact, we

work behind the scenes as services to help identify the needs and get those into the students' access of care.

Ms. Laurie Scott: I think my colleague wants to have a question here.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much for joining us today and appearing before the committee.

I want to play a little bit of devil's advocate on this climate survey, because we've heard a lot about it from the university sector. I want to speak hypothetically for a moment, because I don't have an 18-year-old daughter who might be starting school; all my children are older than that. It might be viewed by some people that universities are trying to avoid publication of statistics with regard to how many sexual assaults or harassments or whatever would be covered by the bill have been reported at their institution.

I live in rural Ontario, so there's no university at home. Wherever my daughter did go—my daughters did go away—it was far away from home. I'm a father; I'm worried. I'm worried and I want to make sure that the university I'm sending my daughter to has a good record. If my only access is a climate survey, I'm not going to feel that comfortable. If someone came to the university on behalf of their daughter, or the student came directly and said, "I'd like to know what the statistics are with regard to your campus. How many sexual assaults have been reported? How have they been dealt with?" would that information be available to them?

Ms. Andrea Carter: We do track formal reports through our campus police services or on other campuses' campus security services, and also formal reports that move through either the code of student conduct or our workplace violence program. This is where I think that distinction between disclosure and formal reporting is critical to your analysis of these questions.

I would also like to put forward that the committee consider that, when you're looking at creating data for comparison purposes, just because one university might actually have more reports of sexual violence, it may mean that they're actually doing a good job of managing those issues.

Mr. John Yakabuski: Fair enough. I would disagree with that, however.

The Chair (Mr. Peter Tabuns): With that, I'm very sorry to say that you're out of time.

Ms. Andrea Carter: Okay, thank you.

The Chair (Mr. Peter Tabuns): Sorry, Mr. Yakabuski.

Mr. John Yakabuski: Was it my question?

The Chair (Mr. Peter Tabuns): I have no comment on that.

Thank you, all. The committee stands recessed until 1 p.m.

The committee recessed from 1148 to 1301.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're back this afternoon to resume public hearings on Bill 132, An Act to amend various

statutes with respect to sexual violence, sexual harassment, domestic violence and related matters. Please note, members of the committee, that additional written submissions have been distributed to you.

CANADIAN FEDERATION OF STUDENTS

The Chair (Mr. Peter Tabuns): With that, we'll go to our first presenter. Members of the committee, please note that we'll go first to the Canadian Federation of Students, and then go back to the Ontario Confederation of University Faculty Associations.

Ms. Laurie Scott: Canadian Federation of Students?

The Chair (Mr. Peter Tabuns): Canadian Federation of Students. You have up to 10 minutes to present and then we'll go to questions. If you want to start by introducing yourselves for Hansard and just take it away.

Ms. Gabrielle Ross-Marquette: Sounds good. Thank you. Hi, everyone. My name is Gabrielle Ross-Marquette and I am the Ontario representative for the Canadian Federation of Students. I represent over 350,000 college and university students across the province.

The Canadian Federation of Students, Ontario is the largest students' organization in the province, representing full-time, part-time, university and college students from all levels of study, such as undergraduate students, graduate students and professional students. As well, we represent students on English, French and bilingual campuses.

Ms. Rabbia Ashraf: My name is Rabbia Ashraf. I am the women's constituency commissioner of the Canadian Federation of Students. I represent women-identified students in the province.

I am also the vice-president internal for the Continuing Education Students' Association of Ryerson, which is the students' union that represents 16,000 part-time students at Ryerson University.

Ms. Gabrielle Ross-Marquette: Campuses are a reflection of greater society and as such are not immune to the systemic issues that plague our communities at large. However, campuses are unique in that post-secondary students experience a disproportionate number of sexual assaults as compared to the general population. One in five women experiences sexual assault while attending a post-secondary institution, and gender-based violence continues to be a serious issue at every single college and university campus in Ontario.

Universities and colleges possess unique tools to prevent, mitigate and address sexual assault. From lecture halls to dorm rooms, post-secondary institutions have numerous avenues to implement mandatory consent education programs as well as the possibility to clearly outline and enforce rules and procedures around combatting sexual assault.

Ms. Rabbia Ashraf: The Canadian Federation of Students has been working on the issue of sexual assault since its beginnings, when we were founded in 1981. The Canadian Federation of Students developed "No Means No," a campaign against rape culture and sexual violence

on campus. Since then, students have been at the forefront of this fight. We have been a source of collective action against sexual violence on campuses for decades and have pushed our campus communities to face uncomfortable realities by building and nourishing cultures of consent at our colleges and universities.

We know one in five women experiences sexual assault while attending a post-secondary institution. It is no understatement that sexual assault continues to be a very serious issue at every single college or university campus in Ontario.

Post-secondary institutions are meant to be safe spaces with the mission to educate students and engage the community in critical thought and discussion. Although colleges and universities foster academic and social activities, they can also create environments where women face sexual violence from the first day they step foot on campus.

Ms. Gabrielle Ross-Marquette: This year, though, students finally saw leadership on this issue from our provincial government. Premier Wynne acknowledged that not enough was being done on the part of post-secondary institutions to prevent sexual assault on campuses, nor was enough being done to support those who had experienced sexual violence.

Her promise to introduce legislation that will mandate colleges and universities to adopt stand-alone sexual assault policies and to involve students in this process will build the foundation for safer campuses. These policies will help to acknowledge the reality of rape culture on campus and they will also help create a culture of believing those who have experienced sexual violence, and will encourage the entire campus community to take responsibility for their healing and accommodations.

Our first recommendation to the committee concerns the definition of sexual violence being used. Though the definition provided in the proposed act is correct according to the Ontario Human Rights Code or other superseding acts, the federation believes that we must bolster the definition to more accurately reflect students' experiences on campuses. Our recommendations to add definitions include, but are not limited to, intimate partner abuse, solicitation, verbal and non-verbal conduct that implies sexual suggestion, and cyber-harassment.

Clearly stating "intimate partner abuse" in the definition would encourage students to report this type of sexual violence. Few people realize that sexual assault policies do protect women from cases of intimate partner abuse. Various statistics illustrate that women between the ages of 16 and 24 experience the highest rate of dating violence, more than any other age group. More than 80% of rapes that occur on college and university campuses are committed by someone known to the victim, with half of these incidences occurring on dates.

Also, students are in unequal positions of power throughout their academic careers, which often places them in vulnerable situations. Including "solicitation" and "verbal and non-verbal conduct that implies sexual suggestion" to the definition of sexual violence would

validate students' experiences of being harassed or taken advantage of by supervisors, teaching assistants, administrators or other persons in positions of power.

Finally, sexual harassment takes place in person, but it's increasingly occurring through online technology like social networking sites, email and text messages. Including "cyber-harassment" in the definition of sexual violence is important, especially due to the anonymity afforded to individuals online.

Ms. Rabbia Ashraf: Our second recommendation is under the sexual violence policy. The federation recommends that the clause which would require every college or university described in subsection (2) and private career colleges to have a sexual violence policy that specifically and solely addresses sexual violence involving students be amended to remove the word "solely," and that "and members of the campus community" be added following "students."

Currently, a majority of the sexual assault policies, if not all, include the entire campus community. All members of the campus community—faculty, staff and students—share responsibility for addressing the problem of campus sexual assault and should be represented and protected by sexual violence policies. While faculty members and staff may be provided protection through various codes like the Ontario Human Rights Code, the Occupational Health and Safety Act and their collective agreements, non-unionized staff should have further protections afforded to them. Every member of the campus community deserves to know that their interests will be protected by a policy offering consistent and standard responses to incidents of sexual assault.

Our third recommendation is under student input. The federation recommends that campus community members, specifically students, drive the policy development process. To ensure effectiveness and legitimacy of the policy, institutions should identify key stakeholders, particularly students, student groups and providers of victim support services, like local rape crisis centres, whose expertise and input should be incorporated into the drafting process. Currently, students involved in the creation of sexual violence policies have noted that students' participation is treated more as a consultation process or that students are entirely underrepresented. Stronger language in the act other than "student input is considered," such as "student input is included" or "student input is mandatory," would ensure that students are meaningfully involved in the creation of the policies that directly affect their campus life.

Ms. Gabrielle Ross-Marquette: Our fourth recommendation is under the review portion. The federation recommends that the clause to require colleges, universities and private career colleges to review their policy at least once every three years be amended to every two years. Reviewing the policy every two years would ensure that students who are involved with developing the institutional policy are more likely to be present on campus when that policy needs to be reviewed, ensuring consistency and thoroughness, because of how quickly

our campus demographics shift depending on program times, specifically at colleges.

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The federation further recommends the legislation to be amended to include a permanent standing committee that reviews the policy and protocol of institutions as issues arise on campus. Students come to rely on their institutions, and when they act or fail to act in a way that harms students, it can make students who experience sexual violence have symptoms of stress and anxiety in the wake of trauma.

Students deserve more than a minimum standard of policy review, and deserve the best practices possible to ensure their living, working and studying environments are safer. Reviewing the policy every time it fails to protect the students means that the institution believes that the safety of students is a priority.

The review process should also include a survey of the student body's experience and awareness of the existing policy, which should be facilitated by an ongoing oversight committee comprised of, for example, student representatives, first responders, faculty administration and community-based organizations with expertise in sexual violence.

Our last recommendation is under the information for minister section. The federation recommends that the information meant to be collected and provided to the minister, in the case of publicly funded colleges and universities, be collected through climate surveys, not through official counts of the number of times support services and accommodation relating to sexual violence are requested and obtained by students enrolled at the college or university. Climate surveys will produce far more reliable information than counting formal and informal incidents, complaints and service use.

Here's some background information to inform the previous statements. Statistics related to sexual and gendered violence are often based on incidents that are formally reported to police. However, unlike other types of crime, sexual assault gets reported at a significantly lower rate. Less than one in 10 incidents of sexual violence are reported to the police, and date rape is the most underreported crime in Canada. This high level of underreporting shows that statistics reports largely underestimate the prevalence of sexual violence—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time.

We'll go to the third party. They get to ask questions. Because the time is short—there will be five minutes—there won't be a rotation.

Ms. Peggy Sattler: Thank you very much for the presentation. In the document that we have in front of us, where you were just about to go into the section on information for the minister and to give some rationale for why you're recommending a climate survey—the paragraph just above that refers to a review process including a survey. Is that the same thing? Are you thinking that the climate survey could be conducted on a regular basis, whether that's annually or every two years,

and then that could inform the review of the policy? Or were you thinking of two different surveys—a climate survey plus a different survey—for the review?

Ms. Gabrielle Ross-Marquette: Thank you so much for your question. We were thinking of two separate ones, just because, for the policy, it would be a standing committee per institution that would review their policy and make sure that there's a separate body that exists so that the policy remains a living document and doesn't just stay on shelves. The standing committee would be able to alter it when issues arise, whereas the climate survey we're envisioning to have a provincial scope that would be able to gather information from students across the province, pertaining to sexual violence, to make sure that we have accurate numbers concerning reports.

Ms. Peggy Sattler: Thank you for that clarification. Are there any other specific recommendations that you briefly wanted to highlight that were in this submission, which you didn't get time for?

Ms. Gabrielle Ross-Marquette: No, we were on our last recommendation. In the brief that we submitted, there's a bit more rationale concerning why we believe the climate survey is the best way to go under "Information for the minister." So if you want to take some time to review that—that's the only thing I wanted to add.

Ms. Peggy Sattler: Previous submissions to this committee have talked about the difference between disclosure and reporting, and I think maybe the text in your document would get at that a little bit. That's one of the rationales for the climate survey, in fact: because you can disclose something without it being officially recognized in the counts that would be submitted. We've had some recommendations about trying to tighten the language in the bill around disclosure and reporting. Was that something that you had identified as a concern at all?

Ms. Gabrielle Ross-Marquette: Yes, absolutely, and that's what we get into when we talk about the difference between—at the University of Ottawa, there was a survey which reported that as many as 44% of female-identified students experience some form of sexual violence. But when they looked at reported incidences over a five-year period, there were only 10 students who had reported an assault.

We see quite a big difference between disclosure and official reporting. We believe that a climate survey would be able to give us a better understanding of the prevalence of sexual violence and how to address it.

Ms. Peggy Sattler: Right. I liked your recommendation that community organizations, like violence against women service provider organizations, be involved in the development of the policy. We've also heard that from other deputants.

I'm wondering if, perhaps, on the sexual violence policy, some of the elements that are spelled out in the legislation—maybe one of those elements should be something around the role of the community organizations in supporting the campus policy. Do you think that would be a good direction?

Ms. Gabrielle Ross-Marquette: That would absolutely be a great direction. Those students are experts of

their lived experiences on campus, and that's why they need to have significant input into it. Community organizations that deal with sexual violence are the actual experts on how to mitigate what happens, and so their input is absolutely valuable.

That being said, they also need to be supported, whether that be financially or through various supports through the province, because with this new bill, they're being asked to be stretched very thin, because their expertise is being required at various bodies across the province.

We are very big proponents of supporting community organizations to do this work, because it is very important, but they need to be financially supported.

Ms. Peggy Sattler: Okay. I'm not sure if I'm going to run out of time, but in case I do, I did want to acknowledge and congratulate and thank CFS for your advocacy, because I don't think we'd be here today if not for the work that you had done all those years with "No Means No" and the other kinds of tool kits that you developed. Thank you very much for that work.

Ms. Gabrielle Ross-Marquette: Thank you so much.

The Chair (Mr. Peter Tabuns): And with that—you're right—you're out of time. Thanks for the presentation. We appreciate it.

Ms. Gabrielle Ross-Marquette: Thank you.

ONTARIO CONFEDERATION
OF UNIVERSITY FACULTY
ASSOCIATIONS
CANADIAN ASSOCIATION
OF UNIVERSITY TEACHERS

The Chair (Mr. Peter Tabuns): Our next presenters, then, are from the Ontario Confederation of University Faculty Associations. As you may well have heard, you have up to 10 minutes to present. That will be followed by questions. If you'd like to have a seat and introduce yourselves for Hansard.

Ms. Judy Bates: My name is Judy Bates, and I'm president of OCUFA, the Ontario Confederation of University Faculty Associations. With me this afternoon are Mark Rosenfeld, OCUFA's executive director, and Brynne Sinclair-Waters, OCUFA's community and government relations policy analyst.

Today, I'm presenting on behalf of both OCUFA and CAUT, the Canadian Association of University Teachers. Together, OCUFA and CAUT represent 68,000 members at academic staff associations across Canada. In Ontario, OCUFA represents 17,000 university professors and academic librarians at 28 member associations.

Faculty and academic librarians across the province are encouraged by the government of Ontario's efforts to address sexual harassment and sexual violence. Students have been calling for action on this issue, as you know, for many years, so that every student is able to learn and pursue their education in a safe environment. We commend students for their role in the leadership on this issue.

Sexual harassment and sexual violence also affect faculty, whether in the classroom or elsewhere on campus. Many faculty members who have experienced sexual harassment or sexual violence in the workplace report that the supports and processes they accessed did not lead to adequate recourse and accommodation.

OCUFA and CAUT recognize that these challenges may be experienced disproportionately by faculty from equity-seeking groups and those teaching in particular fields, such as gender studies, women's studies and sexuality studies. Recent incidents involving threats of violence against faculty working in gender and feminist studies at the University of Toronto have also prompted faculty to reflect on how well-equipped our universities are to deal with this type of situation.

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For faculty, collective agreements will often provide access to processes for addressing situations involving sexual harassment and sexual violence. Where that is not the case, faculty can file complaints under the Human Rights Code because of their status as employees.

As employees, faculty also have limited protections under the Occupational Health and Safety Act. Students, however, do not have the same access to these processes. In the absence, therefore, of campus policy, recourse for students alleging sexual harassment or sexual violence against a fellow student is generally limited to a civil action.

Therefore, OCUFA and CAUT welcome the new requirement in Bill 132 that all universities must have a sexual harassment and sexual violence policy that sets out processes for responding to and addressing incidents and complaints. We recognize that the implementation of these policies is particularly urgent for students and could play a crucial role in filling the significant gaps in recourse available to them.

We also believe that the development and implementation of these policies will provide a framework for improving campus-wide practices that address both individual incidents and systemic issues related to sexual harassment and sexual violence.

The disclosure of data and other information related to sexual harassment and sexual violence on campus is a positive step laid out in Bill 132. It's widely acknowledged that incidents of sexual harassment and sexual violence on campus are underrepresented, both due to pressures felt by universities about their public reputation as well as victims or survivors choosing not to report or not reporting due to fear, apprehension, lack of awareness of supports and services available, or other factors.

We believe that the collection and provision of data related to sexual harassment and sexual violence on campus will inform good policy-making and help track progress.

OCUFA and CAUT also support the amendments to the Occupational Health and Safety Act in Bill 132, including requirements to specify how employees report incidents when their supervisor is the alleged harasser; how complaints will be investigated; and how the em-

ployee will be informed of the results of the investigation.

To ensure that investigations under the act are timely and effective, we also recommend that additional amendments be included in Bill 132 to require that all investigations under the Occupational Health and Safety Act be reasonably conducted, be concluded in a reasonable time frame, and that both complainants and respondents have access to reasonable information about the status of the investigation and the process being undertaken.

Another measure that we believe will make campus sexual violence and harassment policies more effective is to include separate definitions for sexual violence and sexual harassment in schedule 3 of Bill 132. The inclusion of sexual harassment and sexual violence in one definition in Bill 132 is a departure from current legal definitions in the Occupational Health and Safety Act and Human Rights Code.

While all acts of harassment and violence exist on a spectrum, for the purposes of this legislation it would be more effective to make a formal distinction between the two. Providing separate definitions of sexual harassment and sexual violence will improve consistency with current legislation, build on existing case law in human rights and employment law which reflect the evolving complexity and nuance of sexual harassment, and better recognize the distinct legal implications of sexual harassment and sexual violence for respondents and complainants.

Our final recommendation is that Bill 132 and its accompanying regulations require that all campus groups affected by the sexual harassment and sexual violence policy have the right and the opportunity to be consulted in the development of the policy and every time it is reviewed or amended.

The requirement for student input currently included in the bill is a welcome step, but this commitment must be expanded. In instances where faculty are affected by sexual harassment and sexual violence policy, their participation in policy development and review should be coordinated through local faculty associations. Faculty will have unique and helpful experience in many areas, including how these policies should interact with existing university policies and collective agreements.

The centrality of academic freedom at the university must also be recognized as campus sexual violence and sexual harassment policies are developed. Academic work addressing these issues, which might include research and teaching in fields such as sexuality studies or social work, plays a key role in advancing knowledge and informing policy. They should not be hindered by these newly required campus policies.

Overall, meaningful participation by campus stakeholders in policy development, implementation and evaluation will be key to their effectiveness. It will help to ensure the policy is responsive to the needs of the campus community and will help foster a shared concern and responsibility for creating a safe, respectful and inclusive campus.

In conclusion, OCUFA and CAUT believe that the measures in Bill 132 are positive steps towards ensuring that victims or survivors of sexual harassment and sexual violence are supported at university campuses.

We are also encouraged that the bill provides a framework that will support our campus communities in challenging the underlying attitudes and behaviours that perpetuate sexual harassment and violence.

Thank you for listening to me.

The Chair (Mr. Peter Tabuns): Thank you very much. We'll go to the government. We have about two minutes per caucus. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you for coming. We've heard from a lot of student and university groups. It's wonderful to hear from faculty as well, so thank you for your presentation.

I know that employees currently are protected with the policies from OHSA. Students to date have not had policies protecting them, and it's one of the reasons we're moving forward with Bill 132.

Do you have some more specifics on how you can see yourselves working along with the student groups, the university groups, and other groups to develop this policy?

Ms. Judy Bates: Do you want to answer that, Brynne?

Ms. Brynne Sinclair-Waters: I think, specifically, faculty are very welcoming to the opportunity to participate in local consultations on their campus. As policy development processes get started—or, as we know, they're ongoing at a lot of university campuses in the province—faculty are ready to contribute to those conversations. In particular, their experience contributing to other existing university policies on workplace harassment and workplace sexual harassment, as well as their experience using the grievance and arbitration process and managing their own collective agreements, I think will be a really valuable contribution to that conversation.

Mrs. Kathryn McGarry: Further to that, when it comes to looking at wording that's inclusive of all members on campus, do you have suggestions on how we can reword or amend the current proposal about working together?

Ms. Brynne Sinclair-Waters: I think, specifically, whether it's included in the legislation or regulation, what faculty would like to see is the right and opportunity to provide input in both policy development and review, whenever the policy is reviewed.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, you're out of time. We'll go to the official opposition: Ms. Scott.

Ms. Laurie Scott: Thank you for appearing today and for your submission. Right now, the legislation says that the review is every three years. Do you have any comment on that length of time? We've heard—from other presenters—yearly, at least two years, three years. Do you have any comment on the review?

Ms. Brynne Sinclair-Waters: Currently, our workplace harassment policies under the Occupational Health

and Safety Act are reviewed every year, so that's something we have experience with. We haven't taken a specific position with respect to the bill, but we understand the value of reviewing policies regularly.

Ms. Laurie Scott: You probably weren't here for other presenters earlier, but the climate survey that has been brought up: Can you make any comments on how you feel about a climate survey in comparison to what is in Bill 132 about mandatory reporting, if you wanted to comment on that?

Mr. Mark Rosenfeld: We believe that every initiative that captures the dimensions of sexual violence and sexual harassment on campus should be supported. If there are gaps in the actual reporting of statistics, then a climate survey that captures, as the CFS was referring to, would be an effective mechanism as well.

Whether one is preferable over the other, we aren't commenting, but we want to see initiatives taken that capture the dimensions and the full, comprehensive situation that exists on campus.

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Ms. Laurie Scott: Thank you very much for appearing today. That's all, Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. We'll go to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you for your submission and for appearing here today.

We've heard a lot about the definitions. Each schedule of this bill, almost, has a different definition of sexual violence. You have recommended that the schedule 3 definition, the TCU definition, be parallel with the OHSa definition.

This morning, we had another presentation that talked about the value of a single definition, where it puts sexual harassment on a continuum within the umbrella term "sexual violence." Can you talk to me more about why you feel it's so important to keep that separation between sexual violence and sexual harassment?

Mr. Mark Rosenfeld: I'll comment briefly, and then Brynne could. It's an initiative, essentially, to build on existing case law that exists with both the Human Rights Code and the Occupational Health and Safety Act. There is case law that could build to strengthen that definition.

What we're concerned about as well are conflicts within the pieces of legislation as this plays out and as we're working with a new definition. That's our concern as to why it would be good to build on existing definitions.

Ms. Peggy Sattler: Brynne, did you have anything?

Ms. Brynne Sinclair-Waters: No.

Ms. Peggy Sattler: Okay. The other question I have is around the link to academic freedom. That's an interesting nuance to this legislation that I hadn't considered before. Do you have language, an amendment, that you think would be important to ensure the protection of academic freedom? Or are you just raising this as an issue that has to be considered as this policy moves forward?

The Chair (Mr. Peter Tabuns): I'm sorry to say you've run out of time.

Ms. Peggy Sattler: You can talk to me.

The Chair (Mr. Peter Tabuns): Perhaps you should chat when we're done.

Thank you very much for the presentation.

ONTARIO FEDERATION OF LABOUR

The Chair (Mr. Peter Tabuns): Our next presenters, then, are the Ontario Federation of Labour. Hi, Carrol Anne. Hi, Vern. You have up to 10 minutes to present, then we go to questions. If you'd introduce yourselves for Hansard, you're away.

Ms. Carrol Anne Sceviour: All right. My name is Carrol Anne Sceviour, and I'm the human rights director of the Ontario Federation of Labour. My colleague is Vern Edwards, who is the health and safety director for the Ontario Federation of Labour.

I would like to thank you for the opportunity to present to you this afternoon, because we believe this is an absolutely critical piece of legislation, and frankly, we have recommendations in order to make them right. We have experience around Bill 168, so we're building in terms of our recommendations on that.

To give you just a very quick thing: The Ontario Federation of Labour is basically the voice of workers in this province. We represent some 54 unions, and the work we do, we do with a gender and equity lens. You'll see that reflected in our presentation. Also, over half of our membership, quite frankly, are women, so we have expertise in addressing these issues.

We approach the bill from the perspective that diversity in our society must be protected, promoted and celebrated. As such, we view sexual harassment and violence as both a human rights and a health and safety issue. A gender and equity intersectional lens must be employed by all involved to address the impact of sexual harassment and violence for women, because of other discriminatory factors such as race, ethnicity, religion, disability, indigenous status, migrant status, sexual orientation or identity, as well as age.

Comprehensive changes such as these come along once in a generation. We have an opportunity now to provide workers with better protection from harassment and violence, and it is important that we get it right for all workers, particularly for girls and women who have borne the brunt of sexual harassment and abuse.

We will focus our remarks today on the role of this legislation and the impacts it will have in the workplace. You've heard from a number of organizations who have addressed other amendments in the act. While we welcome the amendments that are there and we do have recommendations, we want to point out that there is one glaring omission from this bill, and that is legislation similar to what Manitoba has introduced around women trying to escape or leave abusive situations having access to the right to unpaid leave under the Employment Standards Act. We know that many women stay in situations—they cannot transition—because if they take time to find homes or go to court, they actually can put

their jobs into jeopardy. Thus, that prevents them from leaving a violent situation or an abusive situation.

We know, through a study through the Canada Safety Council, that 72% of workplace bullies or harassers are people in positions of authority. The victims tend to be the ones who lose their jobs. In fact, the study showed that 64% of these victims either quit or were terminated, another 13% are transferred out of their jobs, while in only 23% of the cases did employers actually discipline or punish the harasser, the bully.

Ontarians need additional requirements or duties of employers and supervisors under the Occupational Health and Safety Act to make it illegal for them to engage in harassment or sexual violence. Our proposed legislation is provided in the appendix of our fuller brief. Employers must have a clear duty to take steps to prevent harassment in the workplace.

There have been two decisions by the Ontario Labour Relations Board that actually support this position. The decision stated, "In the case of an employee who complains that he has been harassed, there is no provision in the OHSA that says an employer has an obligation to keep the workplace harassment-free. The only obligation set out in the act is that an employer have a policy for dealing with harassment complaints." The legislation could easily be amended to require the employer to have an obligation to provide a harassment-free workplace, but it does not at this point.

Our experience around what is presently in the act: So long as you have a piece of paper that says there is a policy and a procedure—that has not proven to be effective. That's why we welcome, as we say further in, the powers of an inspector. We know from experience that, as I said, you can have the best policy and procedure on paper, but it doesn't always carry through into the reality of addressing the situation in the workplace. We also know that there is additional targeting that goes on when workers complain under those provisions.

One of the things we see as an effective measure would be to have the inspectors have the ability to issue cease-and-desist orders, especially in cases where it is someone of higher authority, such as the CEO, who is engaging in the harassing behaviour. We say that not only for the workers who are being targeted, but what is often not talked about is the impact on other workers in the workplace. They may not be targeted, but if they're witnessing another worker being targeted, another worker being harassed, that has a huge impact on their psychological health.

The other thing we want to talk about in some respects are exclusions. There are a number of workers who are excluded under the present act, such as domestic workers and migrant workers. There are several incidents that we actually identified in the fuller brief where, by virtue of being excluded, that adds another level of vulnerability to these workers. We feel that all workers should be covered and protected by the legislation.

If you take a look at the definitions of the various forms of harassment and violence, it is important that we

have clear definitions in the act. In some ways it cuts down on ongoing litigation about not whether it happened or not, but whether the definition of the act actually covers the incident.

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Through experience—there's case law—we know what harassment is, so it needs to be in the act. One critical thing that should be in the act, as well, is the definition of domestic violence as it follows women into their workplaces; we recommend the definition of that.

I'm trying to cut down so I can have time for folks to ask some questions. At this point, I'll turn it over to Vern.

Mr. Vern Edwards: One of the promises made under the government's It's Never Okay action plan was the use of codes of practice. One of our recommendations is around the Canadian Standards Association, who partnered with the Mental Health Commission of Canada to develop a standard for psychological health and safety in the workplace. Labour, employer and government representatives should work with provincial mental health providers to develop the standard. It's our position that that CSA standard should be adopted by the Ministry of Labour as a code of practice under the Occupational Health and Safety Act.

Whatever language we end up with under the Occupational Health and Safety Act, we know enforcement is key in driving compliance with those provisions. Therefore, Ministry of Labour inspectors are going to need comprehensive training on harassment issues.

The MOL will also need to be sensitive to cultural and religious restrictions, which will prevent women from interacting with male inspectors during investigations. Therefore, women who have been harassed or suffered sexual violence in the workplace will need to be provided with the option of being able to speak to a female inspector.

Investigators will also have to have additional training on interview skills and investigative techniques around these issues. They will also need to be provided with the enforcement tools.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. Given that we just have five minutes remaining, all the questions will go to the opposition. Ms. Scott?

Ms. Laurie Scott: Did you have much left to say? I'll give you some time if you wish.

Mr. Vern Edwards: No, I'm good. This is just an edited version of what's in the printed materials.

Ms. Laurie Scott: Okay. You made a lot of recommendations—33—so I'll try to start. You were speaking last about the education of the Ministry of Labour—more enforcement, and they'll need more resources to enact this. I agree: The women should have an inspector that's another woman if they feel they need to.

We heard a lot in committee, and in the select committee especially, of young women working late—say, in the bars at closing or something. There actually wasn't a Ministry of Labour inspector to call who would come out

at that time of night. That's one example that I can remember in my head. Can you speak a little bit more of what you'd like to see for the Ministry of Labour inspectors, like hours that they are working? Because we saw that that was an inhibition of the Ministry of Labour in that field.

Mr. Vern Edwards: Yes. The hours of work for inspectors are, unless it's an emergency situation, basically a day job. They'll come out and respond to work refusals and critical injury and fatality investigations off-hours, but it's not like they're the police and they have rotating shifts and they can come out at any time. They'll respond to complaints perhaps the next day.

It's also why we are concerned about that issue and why we are asking for enabling legislation in the health and safety act that would allow the Minister of Labour to develop a working-alone regulation in Ontario, and then move forward and develop a working-alone regulation so that we can ensure that a lot of those young women who are working late into the evening or overnight shifts in stores, even just in other small operations—that there be processes and procedures in place to protect their health and safety. We've seen, across the country, young workers in particular who have been killed working alone; other provinces have implemented working-alone legislation. We've asked that that be added to the legislation because, to draw up a regulation, we have to have the enabling legislation in the act.

Ms. Laurie Scott: Okay, fair enough. You mentioned earlier about women fleeing abuse and time off work. You mean that women who are in an abusive situation, whether at home or somewhere, are having a difficult time going through the process of trying to leave that relationship with their employer? Is that what you were referring to?

Ms. Carrol Anne Sceviour: Yes. Often when women are transitioning from an abusive situation, they actually sometimes need time off to heal.

Ms. Laurie Scott: Absolutely.

Ms. Carrol Anne Sceviour: They also need time to find housing. There are often court issues involved, where they need time off to get a restraining order. Or it may be time to bring their children to some mental health care facility or even themselves.

Right now, women can actually put their jobs in jeopardy, and if they lose their jobs, how do they find safety in their own lives?

Ms. Laurie Scott: Yes, I agree. Did you have a specific amendment?

Ms. Carrol Anne Sceviour: Yes. I referred to the Manitoba legislation that has been tabled by the government there. I do not believe it has received assent as yet, but we are recommending you actually follow that language. It is in the brief.

Ms. Laurie Scott: It's in the brief? Okay. Sorry; I couldn't read it all in the short time. I just wanted to make sure I had that piece.

How am I doing?

The Chair (Mr. Peter Tabuns): You have a minute.

Ms. Laurie Scott: There's a balancing act here. You mentioned harassment-free workplaces. We all agree, and I'm sure employers want a harassment-free workplace too—the majority of them. How do we balance that, in 40 seconds, if you can tell me, or point me to—

Ms. Carrol Anne Sceviour: Here's my experience, because I've been around a long time; I have seniority. When one introduces a law, initially, as the law settles in, there are all kinds of, "This can't happen" and, "This won't do anything," but the reality is, especially on health and safety or equity or equality legislation, as you move forward, in fact it changes culture.

Ms. Laurie Scott: Yes.

Ms. Carrol Anne Sceviour: That in itself will change culture, because you clearly identify what can and can't be done and what is expected. A harassment-free workplace isn't any different than an asbestos-free workplace. We know what causes the problems, and we should be addressing them and eliminating them.

The Chair (Mr. Peter Tabuns): With that, we're out of time. Thank you very much for the presentation.

Ms. Carrol Anne Sceviour: Thank you.

HUMAN RESOURCES PROFESSIONALS ASSOCIATION

The Chair (Mr. Peter Tabuns): Our next presenters are the Human Resources Professionals Association. As you have probably observed, you have up to 10 minutes to present, to be followed by questions. If you want to introduce yourself for Hansard, it's all yours.

Mr. Scott Allinson: Thank you. Good afternoon. My name is Scott Allinson. I'm the vice-president of public affairs for the Human Resources Professionals Association. I'm pleased to have the opportunity to come before you today to speak on Bill 132.

As you might be aware, HRPA is a professional regulatory body and the professional association for HR professionals in Ontario. It oversees more than 22,000 members in the province. The association issues designations that certify knowledge and competence at three levels of HR practice: entry—the certified human resource professional; professional—the certified human resource leader; and executive—the certified human resource executive.

The HRPA's primary statutory object is to promote and protect the public interest by governing and regulating the practice of members of the association and firms in accordance with its act and its bylaw. The association has the responsibility of regulating and governing the conduct of its members in the practice of their profession through the members' adherence to the rules of professional conduct and standards practice. The HRPA's regulatory authority comes from the Registered Human Resources Professionals Act, 2013.

You might ask why I make reference to this in the above section and what relevance it has to us being here today. The answer is, it's relevant to our concerns over subsection 55.3(1) in the bill.

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Before I get into that, we would first like to offer our full support for this bill. The expanding of what constitutes workplace harassment to include sexual harassment will ensure the safety of workers in the workplace. We also welcome the provisions in the bill that employers shall ensure that an investigation is conducted into incidents and complaints; the alleged victim and harasser, if a worker, must be informed in writing of the results of the investigation and any corrective action taken as a result of the investigation; and the workplace harassment program is to be reviewed at least annually to ensure it adequately implements the employer's workplace harassment policy.

That being said, I'd like to go back now to focus on subsection 55.3(1), which states, "An inspector may in writing order an employer to cause an investigation described in clause 32.0.7(1)(a) to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector and to obtain, at the expense of the employer, a written report by that person."

What does that mean to the average business owner? Notably, the inspector can order that the employer pay the costs involved of engaging an impartial person. In practice, this can result in an inspector taking the issue out of the hands of the employer and outsourcing an investigation to a third party. But more important to the association and its members, it would add additional powers to the Ministry of Labour inspectors to order an employer to investigate a workplace harassment incident and to engage an impartial person who the inspector believes is qualified to conduct the investigation and to issue a written report.

There are currently no guidelines dealing with the circumstances in which an inspector may do this. Under the current provision, it would be up to the inspector's own discretion. What we are looking to have in this section amended, or that the regs provide an approved list that identifies individuals that are qualified to act on that section. What we're asking is that designated HRPAs members in good standing be part of that list. There is already a precedent in the Ministry of Labour for having an approved list for providers for arbitrators and certified training providers. We believe that this tool—an approved list—will assist inspectors in being truly impartial when informing businesses where they can look when deciding to hire an investigator.

We have seen in the past what has happened to small and medium-sized businesses when it came to compliance under the accessibility standards. Since 2012, HRPAs has received 158 calls from the public wishing to file a complaint against an HR professional who provided erroneous information or took financial advantage in charging outrageous fees for their service. After reviewing our public register at the time, none of these individuals were members of HRPAs; thus, a complaint could not be investigated and we could do nothing for these business owners or individuals. If these complaints

were against a member of HRPAs, our complaints investigation process and our discipline process would ensure that serious concerns about the conduct of members are properly investigated and appropriately resolved. They are key to HRPAs's mandate to regulate its members in the public interest. Our members and the association strongly urge the committee to consider this amendment to ensure the protection of the public interest with regard to this bill.

Thank you for your time. I'd be happy to answer any questions, if you have any.

The Chair (Mr. Peter Tabuns): Thank you. We have about two and a half minutes per party. We start with the third party: Ms. Sattler?

Ms. Peggy Sattler: Thank you very much. I attended the breakfast that HRPAs held for MPPs in the fall. I also heard of the MOL blitzes where infractions under the ESA were from none of the firms who had HRPAs members, so it does sort of reinforce what you're saying about the value of having an HR professional who understands how the legislation works as part of the workplace.

You mentioned these other examples of arbitrators and certified training providers. Are there any other models—maybe in other jurisdictions—where there is an approved list of HRPAs members available to be drawn on to deal with human resource types of issues?

Mr. Scott Allinson: I could get back to you, but off the top of my head, I don't have any information on other jurisdictions. We just focused on what the Ministry of Labour had done and what precedents they had within the ministry in regard to approved lists, like I said, for arbitrators and for certified training professionals.

Ms. Peggy Sattler: Okay. That is really the only amendment that you wanted to propose today? Having the third-party investigation conducted, you think, is good—it's an improvement to the act—but you just want to ensure it is a qualified HRPAs professional who is engaged to do that third-party investigation.

Mr. Scott Allinson: It's not just us. We would like a list; we would like to be on that list. I am sure that there are others who do workplace investigations who have private investigator licences that are issued by the government through the ministry of correctional and public security. They could be on that list as well.

What we're saying is what we would like to do is to make sure that the inspector is as impartial and unbiased as possible. I don't want to say the burden is on them, but don't put them in a position of saying, "Well, you should hire this person," when you already have businesses that always feel like or have a perception of a suspect or what have you, when it comes to any sort of inspector, when you hear the word "inspector." This takes them out of that decision-making process: "We have a list. Look at this list. You can pick from these professionals"—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but your time is up. We go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. Ms. Sattler actually asked all the questions I was going to start with, so thanks for that.

As HR professionals, you're uniquely positioned to see directly what happens when we amend the OHSA, and how it's going to play out in the workplace. How do you see these changes in Bill 132, if passed, and how that's going to help employees you work with?

Mr. Scott Allinson: I think for medium- and large-sized businesses, they already have the plans in place. A lot of them have the budgets to do investigations. We think that making this now available at all business levels, whether they're under 75 employees or under 10 employees or what have you, is a positive thing. Our main concern as HR professionals is that employees have a safe workplace to come to, and this bill really does go the full gamut in ensuring that that can be done.

Mrs. Kathryn McGarry: That's very helpful. Thank you. How will the changes influence the work that you do, as professionals, especially if you are added to—

Mr. Scott Allinson: For us, for our members, this is going to be like what we said with the accessibility standards. That was like pay equity all over again. We actually have a lot of new members coming in who specialize in that.

We see, with this, that this is going to be great for our members, in a sense, and for our membership. But also, in a sense, what we're hoping for is that—we have our requirements for a designation as a university degree. This is going to have another specialty added to it, so it makes the profession not a generalist but more full around. We think it's wonderful for us and our members.

Mrs. Kathryn McGarry: You mentioned training. What kind of extra training, if any, would be required for your members?

Mr. Scott Allinson: On this?

Mrs. Kathryn McGarry: Yes.

Mr. Scott Allinson: The CHRP is the entry-level one, so they'd be the generalists. They would get most of their training during their three-year internships of learning that.

For those who have already been in the business for X amount of years, who have the CHRL and the CHRE, they already know what's in place. They know what the rules are. They know what they have to do. This is more—

The Chair (Mr. Peter Tabuns): I'm sorry to say you've run out of time again. It's a very short round when we go to these. To the opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for appearing today. At the risk of saying I'm sounding like a Liberal, I'm going to sound like a Liberal.

The Chair (Mr. Peter Tabuns): Never.

Mr. John Yakabuski: Yes. Ms. McGarry has captured much of what we would be asking here, to really show us the difference about what's here, as to whether or not your organization would have a field of qualified inspectors.

The bill currently says they have to be qualified, they have to have knowledge etc. They're chosen, as designated by the inspector. Where is the weakness in this? Are there going to be especially qualified people out

of your organization that would be more qualified to conduct these investigations?

Mr. Scott Allinson: In most of the third-party investigations, our members are consultants. What brings their level up, or their training or their professionalism, over anybody else is the fact that there's recourse for the public to file a complaint. They have to follow the rules of professional conduct like any other member. Once you join the association, you sign your rules of professional conduct and you follow those.

1400

Let's say an inspector referred a third-party investigator who is not a member of HRP and there were problems—a bad investigation, a bad report, the fee that was involved. There's no recourse for that business to take any action. As a self-regulator in the province, we are given that power to investigate our members if a complaint is filed.

As we saw with the accessibility standards, there were issues out there. We think this issue is too important to have that kind of side-track. It's all about the victim. It's ensuring that the investigation is done properly and a professional report is filed.

That's the key: You want the best. We're saying our members are the best. The Ministry of Labour owns us. They appoint public appointees to our board. Use us. Put us on—as well as any other who they think is qualified—an approved list, so it takes that bias out of the inspector's hands; so that they are truly unbiased when they're referring somebody and that they're qualified.

The Chair (Mr. Peter Tabuns): With that, we've come to the end of the time. Thank you very much.

ONTARIO COALITION OF RAPE CRISIS CENTRES

The Chair (Mr. Peter Tabuns): Our next presentation: Ontario Coalition of Rape Crisis Centres. As you've seen, you have up to 10 minutes to present, and then there will be questions. Please introduce yourself for Hansard.

Ms. Nicole Pietsch: Thank you so much for having me appear here before you today. My name is Nicole. I'm with the Ontario Coalition of Rape Crisis Centres. We are a network of 26 sexual assault centres which provide services at a community-based level to survivors and victims and their support people and families, through front-line counselling, 24-hour crisis lines, accompaniment to formal reporting and public education. Those individual centres across Ontario do the front-line work with victim-survivors. OCRCC itself—I'm here on behalf of them—does the big picture work in terms of addressing systemic pieces.

I'm happy to say that we have an appreciation of how sexual violence really can't be divided from a broader context, where the victim, the offender and the offence itself or even the threat of it sometimes are informed by social norms and other practical pieces in our day-to-day lives, and because of that, we really appreciate Bill 132.

Right off the top, we think it has the ability to foster practical supportive practices or responses through public policy that's fairly concrete. As my colleague from labour suggested earlier, it also has the ability to shift cultural and social attitudes about sexual violence over a long time, which I think is really valuable.

I'm going to commend in some areas and also recommend some pieces about implementation and just go through a number of pieces of Bill 132.

Under the Compensation for Victims of Crime Act and the Limitations Act—we support both of these amendments, so that there are no longer any limitations on applications for compensation for victims of crime and there's a removal of limitation periods in sexual violence cases in the amendment to the Limitations Act. We know from our work that there are all kinds of reasons why survivors take a long time to come forward: There are often repercussions; they fear not being believed; often, the offender is known to them. So we really support that there are no limitations because that can impact on people's ability to even define what happened as sexual violence or to resist or even report what has happened to someone else.

I want to comment quite extensively about the pieces around the Ministry of Training, Colleges and Universities Act. We agree with the amendments. We say bravo on this detailed component and we absolutely support it. But there are some pieces around implementation that I wish to comment on.

Number one, we're concerned that the policy specifically and solely addresses sexual violence involving students enrolled at the college or university only. I mention this because sexual violence is a crime that's facilitated by power differences—often power and control of the victim by the offender. The relationship between unequal balances means that people often get trapped in situations of sexual violence and harassment. That's very relevant to, let's say, violence or harassment that occur between teaching assistants and professors, administrators and students, professors and other teaching staff and students.

We also believe that limiting the scope to students only can create complexities for campus folks who have to implement this policy. That might inadvertently create a hierarchy of sexual violence offences, where some offences or some perpetrators see repercussions where others don't, and I don't think that's the intention of the way this is phrased. Just to say, clearly the recommendation would be that it includes all of the campus community, so that would be employees and staff as well as students.

Number two, we're concerned that the policy for colleges and universities is highly interested in counting and reporting incidents. While I think diligence and understanding prevalence is really important in understanding sexual violence, counting incidences or having a very narrow focus on it can unintentionally create misinformation, or even reproduce myths about low prevalence.

For example, a low count can suggest that it's just not occurring. A high count can suggest that one campus is

having a lot of problems, where maybe they just have a really good, transparent, user-friendly process for reporting. It's not always clear what a high or low count of incidences means.

In order to address sexual violence, as you know, and as you've probably heard from a lot of my colleagues here, we need to shift the conversation away from reporting only. We know a lot of survivors are interested in formal reporting and seeing offenders held to account, but I would say that for a large majority, that's not the route for their healing process. We want to be able to capture all those different pieces of what support to survivors means. That's the name of your bill. Right?

Our recommendation is to ensure that the bill doesn't prioritize counting and recording sexual violence incidents on campus only. We think there should be a comprehensive response mandating campus sexual violence prevention, education and training. As well, I would support the notion of implementing a climate survey to measure attitudes and shifts of attitudes that, let's say, pieces around reporting and counting incidents might completely miss.

We are also concerned that Bill 132 doesn't currently appear to distinguish between sexual violence reporting and disclosures. I just think that that's an important distinction. For many survivors, support is found in a caring and respectful response or referral to supports. They may not necessarily want to see the offender held accountable or go through a formal process where they testify.

In addition, while disclosure—just telling my story to a support person—can afford survivors a high level of control over their story and confidentiality, reporting usually reduces control and confidentiality. It usually has to go through a number of other people. For those reasons, it's really imperative, we think, that survivors ought to be afforded the opportunity to report formally and just disclose, because there could be different outcomes for both.

In terms of a recommendation, what does that look like in that legislation? We just ask that Bill 132 allows colleges and universities the latitude to distinguish between reporting and disclosure and ensure that survivors have access to confidential services in that context. I think they're connected.

To support those colleges and universities—let's say that they're encouraged to make those partnerships with violence against women and sexual assault centre sector folks in order to be able to support the confidentiality of survivors who want to disclose, but may not want to report. I think there are options that are possible, but Bill 132 needs to make that distinction.

Under the Occupational Health and Safety Act, we really appreciate the inclusion of a description around a sexual violence definition in the workplace context. We really think it's an improvement. While that amendment is positive, we feel like mandatory training on those topics at work continues to be absent.

That was supported by findings in the tabled report for the Select Committee on Sexual Violence and Harass-

ment in 2015, which said, "During its hearings, committee members learned about the persistent inadequacies in training provided to some employees about workplace sexual violence and harassment, and on their rights and recourses under workplace legislation," and how to respond to disclosures. That's even before the investigation piece. Employers need to be equipped with how to operationalize this important policy.

The select committee report went on to say, "While under the Occupational Health and Safety Act (OHSA) employers have the duty to create policies and programs with respect to workplace violence and harassment ... there are no measures in place to assess their quality or ensure that they adequately address the issue." I think those two are connected.

On behalf of OCRCC, we agree that those pieces in Bill 132 are really helpful. That's one place where you could really strengthen how it's going to roll out in day-to-day practice.

We agree with the changes to the Residential Tenancies Act. We think that's really key, and it will reduce or at least mitigate financial implications of survivors and their children who may need to relocate from where they're renting their home if they experience sexual violence, so thank you for that.

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In closing, we think that Bill 132 is fairly comprehensive and we ask that you integrate our recommendations wherever it's possible and, again, thank you for working with the public, survivors and those who have expertise in this area. We hope you continue to do that because many of the really successful laws and policy changes have been informed by survivors and experts in this field. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have approximately two minutes per caucus. We'll start with the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you for being here today and for all the great work that you do. I know that you commented on a number of different parts of Bill 132, and I just wanted to talk to you about how you think some of the aspects of the bill would help the people you've supported. How do you think it will strengthen their ability to come out and share their experiences, whether it be disclosure or whether it be pursuing legal action when it comes to the Residential Tenancies Act? How do you think that it will help the women you work with?

Ms. Nicole Pietsch: I would say that, in a front-line setting, often survivors will say, "I wanted to talk about this a long time ago but I thought there would be implications to breaking my lease," or "I thought that it would be all on my back to explain to my landlord about why I should have the right to be able to break the lease under those conditions." So they're in a position of having to advocate for themselves.

If you had someone who had awareness or, let's say, had received disclosures before, you might get a really helpful response, but in a lot of cases—or let's say some-

body didn't know the legislation, if this was in place. You would get an inconsistent response. You might get a landlord who would say, "Yes, there are financial repercussions to that," and then some that didn't.

We know sexual violence can be best understood in terms of what could be lost. You could lose your sense of dignity, but there are also really practical concerns in terms of losing your place of residence because it's no longer safe, or the financial piece and money you lose in work loss and having to move from place to place or get a new job. Those are really practical concerns.

I know there have been some Canadian studies done in the last year or two that also showed there are a lot of third-party losses financially that are owing to sexual crimes. Many of those are taken on the backs of survivors, so we think this is really key.

The Chair (Mr. Peter Tabuns): And with that, I am sorry to say, we're out of time for the government. We'll go to the opposition. Mr. Yakabuski?

Mr. John Yakabuski: Thank you for joining us today. I know it seems to be that there is a lot of support around the climate survey versus mandatory reporting. Is it not possible to have both? What would stop an institution from having a climate survey, which, for them, is an indication in a maybe less intrusive way? The mandatory reporting, I think, puts a lot more onus on that institution to show results for the success of their sexual assault and sexual harassment policies, anything that is covered under the bill. I don't think there's anything in the bill that prohibits a climate survey. If all universities, colleges etc. were able to conduct climate surveys, would you be more comfortable then with the continuance of the mandatory reporting provisions in the bill?

Ms. Nicole Pietsch: Yes, and to clarify: We're not saying there shouldn't be mandatory reporting, but I think to look at that and say that that's what's evaluating the successes or failures of addressing sexual violence on campus doesn't cut it. I would support both together, but also the piece around differentiating between formal reports and disclosures is really important because you want to be able to support survivors to make it actually worthwhile. Part of it is for the public to understand the prevalence and the issue and to be able to say we're accountable.

Mr. John Yakabuski: Where the disclosure part is good.

Ms. Nicole Pietsch: Yes, that's right. The other piece is around providing the support. I think that those pieces together are really worthwhile.

Mr. John Yakabuski: So it can work together, then?

Ms. Nicole Pietsch: Yes.

Mr. John Yakabuski: Thank you very much. I appreciate that.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for being here today and also for reading the report of the select committee. You referred to some of the findings of the select committee around the implementation of Bill 168

and those amendments to the Occupational Health and Safety Act on workplace harassment and the limitations of that bill, which has led to these amendments.

One of the recommendations the select committee made that you didn't refer to was around mandatory training, just more broadly, for everyone in the workplace, not just the employer who is getting the disclosure or is having to investigate, but for everybody in the workplace. Is that also something that you would support?

Ms. Nicole Pietsch: Yes, I think so. Certainly, we think the best thing you can do, other than respond to incidents, is education and prevention. Of course, that should always be a key piece of a program that addresses sexual and relationship violence. Certainly, I would support that. People in leadership roles, in terms of your organization—you could be a front-line person who knows your rights around disclosures, but if your employer can't implement those in the workplace and make it happen, you're limited because you don't have the same power, in terms of response, of somebody in a leadership or management position, as an employer. I would distinguish that, but certainly, I would support education for all kinds of folks.

Ms. Peggy Sattler: The other question was around the definition; you mentioned how it's helpful to have sexual harassment clearly defined in the Occupational Health and Safety Act. We've had some other deputants who've talked about the need to have a single definition for sexual violence that puts sexual harassment as part of a continuum of sexual violence. Do you have any feedback on that?

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you're out of time.

Ms. Nicole Pietsch: We'll check in later, if you wish to. Thanks very much.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

ONTARIO NETWORK OF VICTIM SERVICE PROVIDERS

VICTIM SERVICES OF BRANT

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Ontario Network of Victim Service Providers. As you've probably heard, you have up to 10 minutes and then we'll go to questions. If you'd introduce yourself for Hansard.

Ms. Penny McVicar: Thank you for the opportunity to be here today. I'm Penny McVicar and I'm the executive director for Victim Services of Brant. Victim Services of Brant has been actively serving the Brant, Brantford and Six Nations of the Grand communities for the last 25 years.

As a front-line victim services provider, we primarily offer 24/7, on-scene, early intervention and practical assistance, needs assessment, development of a personalized referral form or service plan, safety planning and court support, and support to victims as they navigate the

Criminal Injuries Compensation Board process, as well as providing referrals to counselling and relevant community and government support services, enhanced support and follow up.

We also support victims in our community by delivering the Victim Quick Response Program, which is funded by the victims and vulnerable persons division of the Ministry of the Attorney General. This allows us to provide timely assistance to eligible victims of the most violent crimes. The program's objectives are to provide short-term assistance to victims in the immediate aftermath of a violent crime, to lessen the impact of violent crime through immediate support services to victims of violent crime, and to increase the immediate safety of victims of violent crime and to help prevent revictimization.

Victim Services of Brant also plays an active educational role in our community through participation in committees such as BRAVA, which is the Brant Regional Association of Volunteer Administrators; BRAVE, which is Brant Response Against Violence Everywhere; the Brant Elder Abuse Committee; the Brant, Brantford and Six Nations distracted and impaired driving committee; the Brant Youth Wellness Coalition; the Emergency Service Providers Committee; and the Brant Crisis Table.

In my experience, in these cases that we're talking about today, we become referral partners and also provide a role as case management workers.

I've also had the pleasure of serving as a board member for the Ontario Network of Victim Service Providers, or the ONVSP. The ONVSP is the largest representative organization for victim service providers in Ontario. Today, I'm speaking on behalf of both my site and the ONVSP.

Both my site and the network strongly support the goals and objectives of Bill 132. As victim service providers, we interact with survivors, mainly women, who often have been victims of sexual violence on a daily basis. We are thrilled that this government has taken the brave step to prioritize this important social issue.

That being said, while we welcome Bill 132, particularly the schedules related to the Limitations Act and the Criminal Injuries Compensation Board, we do feel that these necessary additions will add a layer of complexity when serving victims, particularly those who need assistance connecting with the appropriate service providers or navigating the criminal injuries compensation process. This is because historical cases of sexual assault and abuse require, in our experience, a higher level of client support than more recent assaults. This is largely due to the complex needs of the survivors, who have repressed a horrific or traumatic incident for many years and suddenly have to go through the difficult process of seeking justice and restitution.

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As referral partners and also case managers supporting these victims, we have to assume a very important role,

and we are proud to do this. Otherwise, many victims will drop out of the justice system or the victim support process. Our service is designed to provide rapid support and to transition victims to appropriate support services in the most expedient manner possible. In most cases, this works well. However, with high-needs clients, additional support is required. With the passage of this legislation, we expect to see more of these high-risk clients coming through our offices.

Victim services providers may need greater flexibility within specific criminal categories, such as historical sexual abuse, human trafficking or child abuse, to ensure that victims receive the support they need and deserve. That is why we support the bill strongly and wish for its quick passage.

We also encourage this committee and the government to work with all community partners, including victim service providers, throughout the regulatory development and implementation of the bill, to ensure that downstream pressures are effectively managed and victims get the help and support they need to heal.

Thank you. I am able to take questions.

The Chair (Mr. Peter Tabuns): It's three minutes per caucus. We'll start with the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for appearing before us today and for the work you do for victim services. You're right; you have a large number of volunteers and a smaller proportion of paid staff in victim services, and it's never enough to supply all the needs.

You mentioned human trafficking, and I know that I talk a lot about human trafficking, but it's an issue—providing services. Human trafficking is very complex. I don't know if you wanted to expand more on, maybe not just human trafficking, but the victims who are of higher needs that you need to support.

Ms. Penny McVicar: When they have higher needs, they're often reluctant to come to some of the services that are provided. They tend to connect well with the people who provide that initial support. They need help. They need somebody to help walk them through the process to get them connected with the appropriate services. If they run into roadblocks, they stop; they give up. If there's not somebody there to hold their hand and work them through the process, they may never complete making the reports that they need to make, whether to police—or just getting connected with the appropriate support services in the community that can help them heal.

Ms. Laurie Scott: Thank you.

Mr. John Yakabuski: I want to thank you for the work that you do. We have victim services in my county, Renfrew county, and I recognize the work they do and the challenges they face every day.

You're speaking favourably about the bill but also about the challenges that are out there. I encourage you to continue to communicate with your MPPs, with the government, with the ministry, when you have suggestions that I'm sure can be helpful as we try to improve the

services we provide for victims of sexual harassment, sexual violence and all of the things covered in this bill.

I know that victim services are the people who are on the ground. They're out there all the time. We appreciate all of the submissions we've had from educational institutions—it's wonderful—but it's also great to have people like you coming forward from the general population, speaking on how the victims are out there and they don't have a voice. So I do appreciate what you're doing.

Ms. Penny McVicar: Thank you.

The Chair (Mr. Peter Tabuns): We'll go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. You focused mainly on the first two schedules of the bill, the Compensation for Victims of Crime Act and the Limitations Act.

I just want to make sure I understand: Your victim services organizations only really intersect with the system when there's police involvement? Is that right?

Ms. Penny McVicar: Not necessarily. We often get victims who self-refer or may possibly be referred by another community agency to us because we have the expertise to help get them connected with services. Especially with sexual assault and domestic violence, they haven't always been through the police process.

Ms. Peggy Sattler: Are there the other sections of the bill, the TCU amendments for the stand-alone sexual violence policies on campus or the Occupational Health and Safety Act—is there a role for victim services in those pieces of the bill?

Ms. Penny McVicar: There could be. It's not something that we're as actively involved in. In Brantford, obviously, we have the Laurier campus. We are, from time to time, supporting students who are involved at the university who have become victims of sexual assault, or domestic violence, in some cases.

Ms. Peggy Sattler: Okay. But the main concern was schedules 1 and 2, on the limitations and the compensation, that that is going to bring forward more victims who have experienced historic abuse or trafficking or some of these high-needs kinds of experiences, and that will increase the resource pressures on your agencies.

Ms. Penny McVicar: That's what we anticipate, yes.

Ms. Peggy Sattler: Okay. Thank you very much.

Ms. Penny McVicar: Thank you.

The Chair (Mr. Peter Tabuns): To the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you once again for your presentation today. I wanted to talk to you a little bit more about the challenges faced by the victims that your members are assisting. How do you think that the proposed changes in this bill will help those victims and make it easier for them?

Ms. Penny McVicar: It's very hard. Especially with criminal injuries compensation, there's nothing worse than having somebody come forward and disclose, and finding out that some of the avenues are no longer open to them at this point, such as making an application to criminal injuries compensation. I think that's going to be

a big piece right there. But to do those applications, it often requires a lot of support and help; those applications, when somebody just looks at it, can be very overwhelming. A lot of people, as soon as they open it, they're done; they quit.

In the past, to have to tell someone, "Well, you know, if you had come forward two or three years earlier"—especially for historical sexual assault, and they're just past the age limit, and to say, "We can't do that for you. We can't help you with that"—it's heartbreaking. It really is. This will open up some additional avenues for people.

Ms. Harinder Malhi: How do you think that removing the limitation will change their experience as a whole? Do you find that we'll have more people reporting now that we've removed the time limitation?

Ms. Penny McVicar: I think that you probably will. It may not happen immediately; it will take some time for knowledge to change in the community overall, but I think it will change the number of people who come forward and make reports.

A lot of people have been afraid, or they just feel that there's no point because there's nothing that can be done about it at this stage.

Ms. Harinder Malhi: How do you think that we can bring more awareness to the changes, so that we can start to see more immediate results?

Ms. Penny McVicar: Public service announcements, getting the word out there, making sure people know that there are other avenues that they can access.

Ms. Harinder Malhi: Great. Thank you.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: How much time have I got?

The Chair (Mr. Peter Tabuns): You have a minute.

Mrs. Kathryn McGarry: Okay, great. More along the training and education, we've heard a lot from organizations and community members that have come in during these hearings who talked specifically about training—training in the workplace, public education, some of the changes to the health and physical education curriculum that we've got going on right now. Do you feel that would assist in changing generational attitudes and changes to avoid sexual violence in the future? What kinds of suggestions might you have around that?

Ms. Penny McVicar: I think that training is always beneficial. The more people know and understand, the better able they are to respond. Information is power, and the more information people have, the better they are able to make decisions that are appropriate for their own lives.

Certainly, we heavily enforce training as part of the BRAVE committee, Brant Response Against Violence Everywhere. We've been heavily involved in a "No More" campaign in our high schools and universities locally to raise awareness about issues like domestic violence and sexual assault, and to make sure that students have a better understanding of what those issues are and where they can go for help, and the fact that it's not okay.

The Chair (Mr. Peter Tabuns): And with that, we're out of time.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Penny McVicar: Thank you.

RYERSON UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presenter, then: Ryerson University. As you've observed, up to 10 minutes to present, then questions. If you'd introduce yourself for Hansard.

Dr. Heather Lane Vetere: Okay. Hi. My name is Heather Lane Vetere. I'm the vice-provost, students, at Ryerson University. Thank you for the opportunity to speak today. I appreciate being given the opportunity to share some thoughts with you.

First, I'd like to say that Ryerson applauds the government of Ontario's efforts to protect Ontarians from sexual violence, harassment and domestic violence. We support the province's vision to ensure better outcomes for survivors, including those on our university campuses, through its action plan and the introduction of Bill 132.

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Today I'd like to talk just a little bit about what Ryerson is doing to support survivors and to create a consent-comes-first culture; and some considerations for Bill 132 related to data collection, reporting and the responsibilities of employers.

In June 2015, the Ryerson board of governors approved a single stand-alone policy that clearly articulates that all members of our academic community, not only students but faculty and staff, will have access to support if they are subjected to sexual violence, regardless of when, where or who perpetrated the violence. This means that support is available even if the sexual violence occurred prior to the survivor's arrival on campus to undertake studies or employment, the sexual violence occurred off-campus, and/or the perpetrator was not a member of the Ryerson community.

As is the practice at most Ontario universities, this policy resulted from extensive community consultations. I attended over 32 meetings with individuals and groups, some of whom included staff and faculty, but the strongest, loudest and most influential voices were those of our students—in particular, those who met with me to bravely share their stories of survival and how they navigated the complex systems and resources within the university and within the community after facing sexual violence.

The creation of a policy was one of 18 recommendations made to the provost in a review of how we respond to sexual violence through policies, practices and procedures. It's important to understand that this work is not new. Dedicated individuals have been working for years at Ryerson and other universities to raise awareness, educate, support survivors and manage response to sexual assault.

What is new is ensuring that this work is no longer living in the margins. We have established a dedicated

office of sexual violence support and education, with social worker Farrah Khan appointed as its inaugural coordinator. The hope for this office is that it becomes highly visible in our community, that it's known as a first stop for someone who needs support, and it will also lead education and awareness campaigns, training and workshops.

We are happy to report that we're currently in compliance with all the terms in Bill 132 as they apply to universities. I would, however, like to mention in particular the references to data collection and reporting outlined in schedule 3, impacting the Ministry of Training, Colleges and Universities Act, and schedule 4, impacting the Occupational Health and Safety Act.

Our work at Ryerson is informed by a consent-comes-first perspective. We believe that survivors should guide the process. We recognize that there are a myriad of reasons why survivors don't feel safe or comfortable to report the violence, so we don't pressure them to disclose or report in a way or in a place that they choose not to. The need for a survivor-driven process makes some of the suggested requirements for collecting and reporting data on services and supports sought and obtained a challenge. With respect to providing data on numbers of cases, the numbers may not include information which tells more about what is happening on any one campus. There is a complexity to these issues that can't be reflected in simple numbers.

Please know that we are very open to transparency and ensuring that our community and that government decision-makers and the public understand the nuances of this issue. This is why getting the data collection and reporting piece right is so very important. The data we provide needs to be accurate and tell the complete story about sexual violence in our communities.

I want to share some of the recent stats and reflections from our own campus to highlight this and why, as you will learn, we support an anonymous survey of all members of our community as the preferred tool to meet legislated reporting requirements.

Since joining Ryerson, our new coordinator has been contacted by 10 survivors. Because we all know that most sexual violence goes unreported, this number doesn't reflect the true number of incidents that our community members actually faced during this time. Of those 10 cases, only two of the alleged perpetrators were from our own community. For the other cases, the sexual violence was either historical, was partner abuse or was committed by a non-community member off-campus. Four of the 10 cases included some form of police involvement, where survivors contacted the police before coming to our office.

What does this tell us? First, it confirms what we know: Sexual violence is not contained within a university campus, and the support we deliver isn't either. Support goes beyond academic and workplace accommodations, and can include safety planning not only on campus but in all aspects of a survivor's life, be it online, at their home and at their place of work.

Second, it demonstrates that understanding occurrence of sexual violence can't simply be achieved through a count based on disclosures and reports. An anonymous survey helps us get at the complexity of the issue more accurately than we can easily track through counting.

We have concerns about collecting data about the number of times each type of support is accessed. This data would be very hard to interpret. For example, one survivor may access counselling and not formally report their assault on campus; another survivor may ask our new coordinator to assist them in getting academic or workplace accommodations; a third may approach individual faculty members directly and request extension to due dates on assignments in one or more courses. In making these extension requests, the survivor may not even disclose that they've been assaulted. The scenarios may also look different for faculty and staff.

How do we accurately record and maintain data that is a true reflection of the support provided without over-counting, under-counting, double-counting etc.?

There are two ways that we can ensure we get as close to accuracy and completeness of the data reported. The first is to mandate that all incidents reported, requests for supports and confirmation of supports received be directed and/or reported to one office on campus. This risks taking the choice, control and anonymity away from the survivor.

The second is to ask our community members themselves through an anonymous survey whether they have been subjected to sexual violence, whether they reported it, where they reported it, how they were supported etc. If we want accurate data, we need to ask survivors. We know that, through this method, we will also collect information about incidents where community members have chosen not to disclose or report to anyone on campus. We may be able to learn why they made this decision. We suspect that this data will give decision-makers a much more complete picture of incidents of sexual violence.

We know that sexual violence strips a survivor of their power and control. As such, when working to support survivors, it is essential that we are able to guarantee that they can retain control over the process of confidential disclosure and determining what the most appropriate next steps are for them: that the survivor determine when the information is shared, who knows about it and how it's counted.

Because our policy at Ryerson also includes faculty and staff, I would just like to make one comment about schedule 4, the Occupational Health and Safety Act. There is some concern that employers will be compelled to investigate and take action on disclosures of harassment or sexual violence against the wishes of the survivor. If this is the case, survivors may be reluctant to seek out the support and services that they need on our campus, in fear that their wishes won't be respected and control will be taken away.

At Ryerson, we hope to maintain our commitment to ensuring that the reporting and disclosure process is

survivor-led, and that we will be able to support survivors through services, referrals and the provision of clear, detailed information, so they can make an informed decision about next steps.

In the words of one of our student survivors, “Survivors should be able to choose how we heal, survive, access services—and when, who and how you tell someone. How we heal and survive is unique to us and is our choice.” Thank you so much.

The Chair (Mr. Peter Tabuns): Thank you very much. With that, we have about two and a half minutes per party, starting with Ms. Sattler from the third party.

Ms. Peggy Sattler: Thank you very much and thank you for the work that you’ve done at Ryerson to create a culture of consent on campus.

I noted throughout your presentation that you referred to members of the community—not students, not faculty or staff, but members of the community. Your approach to the climate survey—this is something that I hadn’t thought of before, but you’re actually talking about surveying all members of the community.

Dr. Heather Lane Vetere: All members of the community.

Ms. Peggy Sattler: So you won’t be collecting data just on students’ experience and perceptions, you would be collecting data more broadly on everyone. Would that be your recommendation: that this should be the provincial approach? Because what we’ve heard is that there should be a provincial survey that could be customized by institution, but it would collect data provincially. Previously, we were thinking of only collecting from students, but you’ve put something new on the table.

Dr. Heather Lane Vetere: I can tell you that—I know some of my colleagues at other universities have taken the same approach—we created a policy for our whole community, so it applies to staff, faculty and students. Obviously, if that isn’t a requirement and the policies that institutions have are just for students, then we want to be able to ensure that institutions are collecting comparable data. Obviously, if we are going to survey all of the members of our community, we need to be able to separate the student data, so that it can be compared with student data at other institutions.

I’m not making a recommendation one way or the other, but I think if the government’s desire is to hold institutions accountable for their work in this area, what they should be mandating is the results of a survey like this rather than just the counts of disclosures and reports because it’s missing a whole lot of what’s happening on campus, a whole lot of the experiences of our community members that we think we would get if there’s an anonymous survey where they can say what’s happened to them. There have been similar surveys done in the past and they always show us that more people indicate that they’ve experienced sexual violence than ever actually report or disclose.

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Ms. Peggy Sattler: Right.

The Chair (Mr. Peter Tabuns): And with that, I thank you. We go to the government: Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you for being here today and thank you to Ryerson for maybe being ahead of the curve a little bit here.

Dr. Heather Lane Vetere: We’re all working hard on it, all of my colleagues across the province.

Mr. Lou Rinaldi: I said in a statement before, I’m really encouraged by the number of post-secondary institutions and students, how they’ve embraced this piece of legislation. They really want to see something happen and they’re the driving force.

Just to understand better: When you talked about what Ryerson is doing about talking to the whole community, can you elaborate who the whole community is from a Ryerson vision?

Dr. Heather Lane Vetere: Really, our whole community is our students, our staff and our faculty. Obviously we want the message in some way as well to get to visitors to our campus, to contractors who are working on our campus. But we’re primarily talking about students, staff and faculty.

Mr. Lou Rinaldi: So when you say that, and this survey that you—I can’t put my finger on it—that you indicated—

Dr. Heather Lane Vetere: Suggest, yes.

Mr. Lou Rinaldi: Suggest—or some of the results that you got from this survey that you’ve done, you indicate a number of people who are outside the family who were—

Dr. Heather Lane Vetere: I think what’s really, really important is that if we just count numbers of reports, that doesn’t tell us that many of those reports are—sexual violence that’s perpetrated by people who are not part of our community. So our ability to influence their behaviour and even to take action against them is limited. If a student comes forward and says, “I went out on a date with someone I met in my part-time job at a retail store and I was sexually assaulted,” we, as a campus, can’t hold that person accountable because they’re not one of our students, staff or faculty. The only option that individual has is through the police.

I’m not suggesting we could hold them accountable. I think people assume that the numbers on campus are students sexually assaulting other students, or staff and faculty sexually assaulting students. What I tried to indicate here is that of the 10 cases that our coordinator has dealt with so far, since she came on board, only two of them were of that type. The other eight—

The Chair (Mr. Peter Tabuns): I’m sorry to say you’re out of time with this questioner. We have to go to the official opposition. Mr. Yakubuski.

Mr. John Yakubuski: Thank you very much for joining us today. I’m coming back to this survey as well. What I do know about surveys is that the most likely people to answer them are the people who are motivated to answer that survey. In any survey, the response rate—in general, if you got a response rate of 10% on a survey you’d really be very happy with that kind of response rate.

Dr. Heather Lane Vetere: I would like more than that, but—

Mr. John Yakabuski: Okay. What I'm asking about is what we expect to get if a climate survey is the tool. First of all, what would be the acceptable response rate to be considered to make the survey completely credible, and what action comes out of a survey?

Now we have some data as to how many people on your campus have said that at one time or another, or recently or whatever—it's an anonymous survey—they were victims, or whatever the survey would pry out of people; I don't know that. But what action would that precipitate? With the mandatory reporting, there would be some expectations of action. So knowing how much has happened on your campus, what value is that if it doesn't lead to actual action to reduce and eventually eliminate that from happening within your community?

Dr. Heather Lane Vetere: I'll just say two things: I think that if the government is interested in actual numbers, finding out that there were 10 reports or disclosures on our campus during a particular time period versus there were 50 individuals who said that they were victims of sexual violence, I'd rather know that there were 50, not just the 10 who disclosed or reported.

Mr. John Yakabuski: You can do both.

Dr. Heather Lane Vetere: Yes. The other thing I will say is that I think the responsibility for eliminating this on our campuses lies not only with our campuses but with the larger community. What people forget is that at Ryerson, for example, we welcome 8,000 to 9,000 new community members every single year. That work is never done. There are 8,000 to 9,000 new students who come, and I'm really hopeful that some of the changes to the curriculum at the lower levels in education will help change the climate as well.

The Chair (Mr. Peter Tabuns): With that, we're out of time. Thanks very much for your presentation today.

CAREER COLLEGES ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenter is Career Colleges Ontario. As you've probably heard, you have up to 10 minutes to speak. There will be questions, and we'll go to each party. Please introduce yourself for Hansard.

Ms. Sharon Maloney: Good afternoon, ladies and gentlemen. My name is Sharon Maloney. I am the CEO of Career Colleges Ontario. Thank you for giving me the opportunity to speak with you this afternoon about Bill 132 and, specifically, the proposed amendments to the Private Career Colleges Act arising from it.

To begin with, I want you to know that CCO is in support of this initiative and recognizes the importance of providing an educational environment free from sexual violence, and training students, staff and faculty about sexual violence and how to reduce the risk of it occurring.

Having said that, it is important for you to know a little bit about our sector's characteristics, which differ-

entiate it from the public post-secondary educational sector. Those differences may have a bearing on how career colleges implement their sexual violence and harassment policies.

Our members are all privately owned post-secondary career colleges that offer vocational training in hundreds of essential skilled fields, such as engineering, technology, dental hygiene, massage therapy, aesthetics, paralegal and business administration. There are approximately 577 campuses in Ontario, operated by 400 career colleges. CCO represents just under 50% of those campuses.

There is a large variance in the size of career colleges. Some career colleges are large, but the majority of them are small, with revenues under \$1 million. As a consequence, many career colleges have a small number of employees, and in some cases, owners, administrators and instructors are the same people. Their campuses are small and usually consist of some administrative offices and a limited number of classrooms. Classes are small, typically with 20 students in attendance. They do not have restaurants or bars on their campuses, and students usually leave the premises after classes are completed. Career colleges also do not have student residences.

Career college students are typically older, come from visible minorities and are more likely to be females who are married and have child care responsibilities. An increasing number of our students have already earned a post-secondary credential and have come to a career college to obtain vocational training so that they can find a job. They prefer to take the program in a compressed manner, so that they can get to work faster.

Why does this matter in the context of addressing sexual violence on our campuses? Because of their small size, career colleges do not enjoy the same institutional infrastructure and resources as do universities and public colleges. We do not have the same number of administrative or teaching staff and do not have faculty or student labour representation. Therefore, any sexual violence policy needs to recognize the practical realities of career colleges and provide easily effected and understood policies that a small business owner can apply. Importantly, a one-size-fits-all approach does not work for career colleges.

CCO has developed a template into which it has tried to distill the core requirements for a sexual violence policy. The template is intended to provide a baseline for all career colleges, upon which they can expand, while recognizing that they generally do not have significant in-house human resources or legal expertise. We believe we have captured most, if not all, of the proposed legislative requirements in our template, and have adopted the specific language of the proposed amendments in a number of our provisions.

We have also tried to incorporate most of the proposed regulations in the template, with the following exceptions:

(1) With reference to 5(a) to 5(e) of the proposed regulations, it is unclear how much detail is required in a

policy with respect to reporting, investigating and implementing the decision-making process.

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(2) With reference to 5(g) of the proposed regulations, it's unclear how much detail should be contained in the policy with respect to the range of interim measures.

(3) With respect to 5.1 of the proposed regulations, it is unclear how much detail is required with respect to keeping information confidential.

(4) There is no reference in our template to an appeal process because in most cases an appeal process with respect to these issues may be beyond the resources of most career colleges.

With respect to (1) through (3), CCO recommends that the regulations require that the policies contain provisions for these items, but not require that they be in detail in the policy.

With respect to the appeal process, CCO recommends that consideration be given to the creation of an independent panel of experts in the area, managed by CCO, who could be called upon by a career college in the event that an appeal to a decision is required.

Thank you very much. I'm happy to take questions.

The Chair (Mr. Peter Tabuns): Thank you. We'll go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. We've heard a lot from other campuses, and this is one of our few opportunities to talk to career colleges.

I noted that you had a number of suggestions here. Has CCO submitted any potential amendments to this act?

Ms. Sharon Maloney: We have actually been working quite closely with the ministry with respect to developing our template, and we will be submitting basically what I've said today to the ministry with respect to, specifically, the proposed regulations. We think the proposed changes to the act are actually very good. In fact, we were very happy to see that there was a definition in the proposed changes so that we could just basically adopt that into our template and not have to go through some specifications in relation to that, because it was already contained in the legislation.

Mrs. Kathryn McGarry: Just to clarify: It's partly because you don't really have student unions and a student body as—

Ms. Sharon Maloney: That certainly is an issue. It's not just student bodies; we don't have an infrastructure, we don't have in-house counsel, we don't have senate committees. They just don't exist. You're talking, in many cases, of an administration that could be as small as five people. It becomes quite difficult, especially in relation to the appeal, because if you have a career college where you only have two or three people and you have an incident, and those two people may be married or in some kind of a relationship—then you're supposed to go through an appeal process? I don't really think that's an appropriate process for a student to have to go through. I think there needs to be a third-party process of some sort,

and not just going through the legal system, but something else that would help a student in a situation where they were not satisfied with a decision that came out from the career college.

Mrs. Kathryn McGarry: Would a potential template move toward not only addressing incidents—investigating and reporting—but potentially have a list of resources and support that somebody on campus could access?

Ms. Sharon Maloney: In fact, our template has all of that, and has a list of potential resources for students to go to. To the greatest extent possible, we have incorporated that into our template. But the point of what I'm presenting today is to understand that these are businesses, and they are small to medium-sized businesses—

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, you've run out of time.

We'll go to the opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today. I appreciate that you've come in today to give us the perspective from the small career colleges. They vary in size. Some are significant in size, and many, as you say, might have an administrative staff of a handful of people, which presents a logistical challenge to implementing things in the same fashion as what would be considered a traditional post-secondary institution.

When this bill was being drafted, how much input did the career college association, or you as the governing body—how much input was there from you people with regard to drafting this specific—because there's a specific section which deals with only career colleges. How much input did you have into that?

Ms. Sharon Maloney: We did not have direct input with respect to the drafting of the law, but we did have several good conversations, actually, with representatives of the ministry, where we were able to discuss some of these topics. That was very much appreciated. I think they clearly understand that there's a difference between the public and the private, mostly on the basis of size, but also on the basis of—as your colleagues have said, we don't have organized labour unions in our businesses, which removes another level of infrastructure and scrutiny in terms of being able to apply this. We had very good input with respect to that.

Mr. John Yakabuski: It sounds like there's a concern with your ability in every place to—"every college shall," "every private career college shall." Are you going to be able to meet the standards that are laid out in this bill, or are you going to require some adjustment based on the size? Or are you looking for that?

Ms. Sharon Maloney: I think with respect to the template insofar as the requirements of the act, I think we'll be all right because the template is really providing a baseline to people. So that's not of great concern to me. Where the concern for me comes from is some of the provisions in the proposed regulations, where there's this reference to detail—"provided in detail." That's a problem. If we're trying to create a template that's easily understood by one of our career colleges, you don't want that template to run 25 pages because you've got—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time—

Mr. John Yakabuski: Are you going to provide us with something written?

Ms. Sharon Maloney: Yes.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski, I'm afraid to say that you're out of time.

We'll go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for joining us today, and for giving us a context for the implementation of this act within the sector that you represent.

Many of the presentations that have been made to this committee already have talked about these sexual violence policies on campus and the importance of them being broader than just students. You just mentioned that the staff who work there are not unionized and that they don't have collective agreement protections, and I totally understand the resource pressures of trying to implement these policies. Do you see a benefit of making the policy broader than just to students, and to apply it to staff, teachers, administrators, as well?

Ms. Sharon Maloney: We are of the understanding with respect to the amendments in the legislation—and our template has been reviewed now by counsel—that what we're being asked to provide is a policy specifically with respect to students. The issues insofar as staff, as we understand it, will be covered by the Occupational Health and Safety Act.

I would certainly support our institutions having broader policies, and I think by virtue of both pieces of legislation, they will have to. I would suspect that several of them have already started with some policies. But the template that I'm speaking to today, because of the requirement under the act that it be specific to students—that's why I've made the comments with respect to issues for that particular portion of it.

Ms. Peggy Sattler: If one of us brings forward an amendment to change the legislation, to say that the policy should be broader than just students enrolled, would that be an issue for the career college sector?

Ms. Sharon Maloney: It would not be an issue. It would really just be for us an issue with respect to how we actually draft that and how we manage that with the legal requirements under the Occupational Health and Safety Act. That would be the issue. But, as a policy perspective, no.

Ms. Peggy Sattler: Okay, that's helpful. Do I have any more time?

The Chair (Mr. Peter Tabuns): No, you don't.

Thank you very much for your presentation.

LAKEHEAD UNIVERSITY

The Chair (Mr. Peter Tabuns): Members of the committee, our next presenter was going to be the Algoma University Students' Union, but we weren't able to finalize that. We're ahead of time, but we do have presenters here from Lakehead University who are willing to come forward.

Please step up. As you've probably heard, you have 10 minutes to speak, and there will be questions afterwards. Once you get comfortable, if you'd introduce yourselves for Hansard, that would be great.

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Ms. Marian Ryks-Szelekowszky: Thank you. My name is Marian Ryks-Szelekowszky. I'm the vice-provost for student affairs at Lakehead University.

Dr. Lori Chambers: I'm Lori Chambers. I'm a professor at Lakehead University and chaired our sexual assault task force.

We would like to start out, on behalf of our president at Lakehead, by thanking the committee for electing to hear our presentation.

Lakehead University stands behind the government in its development of Bill 132 and its goal to eradicate sexual violence and harassment in all parts of life, including on post-secondary campuses. As Lakehead University and also as a member of the university sector, there is unwavering commitment to providing service, supports and response protocols to survivors of sexual violence and to all those who experience sexual misconduct of any kind.

We see many positive aspects to the bill and we applaud it, but we do have a number of recommendations that we believe will strengthen this bill and make it more survivor-centric. We're speaking from our experience here. As some of you may know, Lakehead University was a front-runner amongst universities and took the initiative to establish a stand-alone sexual violence policy well in advance of government action.

Lakehead's decision to take action and to develop a stand-alone policy and bring attention to supports and education was initiated by our president following a letter to our local paper by a graduate who revealed that a classmate had sexually assaulted her during her third year of studies. While she sought assistance to avoid being in the same classes as her perpetrator, she was not accommodated. She faced multiple challenges as a result of being in the same classes as her assailant and faced humiliation as her assailant and his friends taunted her quite openly. While she held the perpetrator responsible for his own actions, she held the university responsible for its lack of education and policy that would have ensured that she was assisted appropriately.

Within two days of the newspaper article being printed, our president launched a task force, instructing us that never again was such an experience to happen to another student. His directions were clear: Establish a stand-alone policy wherein it was clear that any form of sexual violence would not be tolerated; that supports would be available to survivors of sexual misconduct; and that there would be an emphasis on appropriately educating all those within the university community around supports to survivors and about the wider problem of sexual violence and its prevalence in society.

The Lakehead University task force comprised a wide array of stakeholders, including students and community partners from the sexual violence/domestic abuse

treatment centre as well as police colleagues. Marian and I both also served on this committee. Students were instrumental in providing input and feedback as the policy and protocol were being developed, and they sat on the committee as well.

Our task force was unequivocal in its belief, as it drafted the policy, that the policy would be universal. It should be applicable to all members of the university community: students, all employees, as well as reaching as far up the hierarchy as the board of governors.

Lakehead University is firm in its belief that a stand-alone sexual misconduct policy sets a climate for the entire university community that there is zero tolerance for any kind of sexual violence and that this is applicable to all members of the university community, not just students. We are a community together.

The task force recognized that as a university community we are not simply categorized as either a student or a staff member; there is much overlap. Students are also staff and staff are also students. All individuals who experience sexual violence should have access to the supports and resources they need for healing and the accommodations they require to have a safe experience, whether in their educational setting or their workplace. The task force firmly believed that a policy for everyone reflects not only human rights legislation and the right of all to a life free of violence, but also meets the obligations of employers to maintain a safe and healthy workplace for all employees. Hence, our first recommendation is that we would strongly encourage the committee to expand the scope of Bill 132 relating to stand-alone policies for campuses so that those policies are applicable to the entire campus community: students, staff, faculty, other employees, administrators and the board of governors.

Ms. Marian Ryks-Szelekovszky: We have two other suggestions that we believe will strengthen Bill 132. The first of these is around survivor choice with respect to disclosure and reporting. Lakehead University firmly believes that survivors of sexual violence must be given the choice as to whether they confidentially disclose their experience, perhaps seeking support and resources, but the individual has no desire to make an official report or to seek formal action. The other choice is to actually report the sexual violence formally to the university with the expectation that formal action is taken against the alleged perpetrator.

We believe such choices must be left in the control of the survivor, and in order that such an option is available to them, the post-secondary sector must have the discretion to distinguish between incidents disclosed by individuals who simply want to unburden themselves and perhaps seek access to supports, and those individuals who wish to disclose and also wish to formally report such violence and request an investigation by the university.

Often, the students I see in my office who disclose their experience to me are most concerned about their confidentiality. I've had a survivor whose greatest fear,

apart from her parents finding out, was that her disclosure to me would somehow be tracked and subject to some report. She specifically said that she did not want anyone to know. She didn't want her experience, even without her name, to be a statistic somewhere.

Hence, we respectfully request the committee to modify Bill 132, such that there is latitude for post-secondary institutions to distinguish between disclosure and reporting, and to ensure that survivors have the right to confidentiality.

The other recommendation we have to strengthen the bill involves the reporting itself. Lakehead University fully understands the imperative of providing information to the ministry and the public on incidents of sexual violence. However, even as our task force did its work, we recognized that for every one person who came forward and disclosed sexual violence, there are so many more who choose not to disclose and, instead, live with their burden in silence. Unfortunately, what will be tracked by compulsory reporting will still only reflect a fraction of actual occurrences.

We firmly believe that as a university community, we are far better off developing and deploying a campus climate survey for use across the sector as a method of finding out more from our students around attitudes and behaviours, including experiences of sexual violence and their access to supports. Such a climate survey can be conducted without the violation of privacy. Moreover, a comprehensive climate survey can also provide useful information, such that universities are better able to develop and respond with programming for students, as well as education for staff and faculty to better prepare them in their work with students.

With respect to the bill's requirement around reporting, we would strongly recommend that the committee consider a multi-pronged approach to reporting; namely, (1) the development and mandating of a climate survey as one way to report on the frequency of sexual violence and the number of times that services and supports are accessed, which are related to sexual violence, and (2) reporting around the number of formal reports of sexual violence that are actually made to the university, wherein there is an expectation that formal action be taken against an alleged perpetrator.

Dr. Lori Chambers: Once again, as a university that embraced the value of a stand-alone policy on sexual violence as a result of a student's experience, we heartily endorse the government's commitment to ending sexual violence and drafting Bill 132. We hope that our experience and our recommendations will be seen as ways that this bill can be strengthened, as we all work together to end sexual violence and harassment. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about two minutes per party. We'll start with the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for coming forward today. Certainly, the campus community has been well heard by the committee, so thank you for adding to that.

I'm going to ask a question just because I want to be clear on this. You say that there is survivor choice. Right now, if a 17-year-old or a 19-year-old came in, is there a difference with age, with respect to whether it has to go through a formal reporting? If someone came forward to use your services now but didn't want to go through formal reporting—do you have to report that? It seems like a very basic question, but I just want to be clear on this issue.

Ms. Marian Ryks-Szelekovszky: The age doesn't really make a difference. Once a student is in university, they're considered adults, so their privacy is maintained. If someone comes in to the health and counselling centre, there is no need to report. Everything there is confidential, and it does not come to me. I may not find out.

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Ms. Laurie Scott: Obviously, we want to protect confidentiality.

Ms. Marian Ryks-Szelekovszky: That's correct.

Ms. Laurie Scott: You're almost saying that they could lose confidentiality with this mandatory reporting or that survivors don't have a choice. That's really not what's in the bill, right?

Dr. Lori Chambers: Well, there is concern, yes, because even if that's not what the intention of the bill is, if students have the perception that by going in they will be subject to having their experiences reported, even if it's anonymized, it might mean that some students won't come forward, and then they won't get the resources and assistance that they need. In the long term we want to eliminate violence, but in the short term the primary purpose is to make sure that students have access to the supports they need.

Ms. Laurie Scott: Right now, there is survivor choice. They come in and they're comfortable. Do you think that Bill 132 is going to deter, possibly—

Dr. Lori Chambers: Bill 132 is a really good thing, but if people are concerned about reporting, then that could deter them from coming in to access services.

Ms. Laurie Scott: Thank you for clarifying that. It's a question I had on my mind all day.

The Chair (Mr. Peter Tabuns): With that, we'll go on to the third party. Ms. Sattler.

Ms. Peggy Sattler: I'm looking at page 5 and the two specific recommendations you make around reporting. As I understand that, you're saying that the data collection on the actual number of reports is still a valuable thing, but it should be augmented with a climate survey that would provide a much richer, fuller picture of what's actually happening on the campus.

This climate survey—are you envisioning that as something that would be undertaken on an annual basis? Would it be administered to the entire student population, not just at Lakehead but at all campuses across the province? Is that what you're saying?

Ms. Marian Ryks-Szelekovszky: I think that's a discussion that would need to occur. But I would say, for sure, that it should be done every second year. I would see it, as well, going campus-wide to all students. So it

would include our graduate students, full-time/part-time—it should be everyone. It will provide, like you said, a much richer picture of our student population and their experiences.

We can also find out through that climate survey whether their experiences have been while they were at university or whether it was a prior time etc. That's really useful information to have.

Ms. Peggy Sattler: For sure. We heard from one of your counterparts earlier—I don't know if you were here. They talked about a climate survey, not just of students, but of all members of the university community. Do you also see some value in that?

Dr. Lori Chambers: Absolutely.

Ms. Peggy Sattler: Your other recommendation about the ability of post-secondary institutions to distinguish between disclosure and reporting—did you see specific opportunities in the current wording of the legislation, where that could be addressed?

Ms. Marian Ryks-Szelekovszky: I'd have to go back into the specific wording to find it. When I read through it, I thought there could be greater clarity, but I wouldn't be able to tell you exactly where that was at the moment.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time.

We'll go to the next questioner. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation.

Currently, the OHSa is already a policy that can cover employees. The students had no policy, and this is one of the things that Bill 132 will be addressing. We've heard from a number of different organizations that students and staff do overlap, so any suggestions from you on wording that amendment would be very helpful.

I really want to talk about reporting. We are understanding that this is a challenge—how it's going to be reported, how it's going to look. The government has already made an ongoing commitment to making sure that we are working with our communities around the campuses to come up with something that's going to benefit everybody. My question to you is—again, on page 5, your second suggestion about formal reporting—will the survivor, if they report the incident, have the choice whether to go to police and follow up or not? I'm not sure with your wording here.

Ms. Marian Ryks-Szelekovszky: An individual who discloses a sexual assault to me is always provided with the range of options that are open to him or her, and that includes if the alleged perpetrator is from within the university community. It could be a formal incident that's investigated by the university, but the individual also has the right to file a report with the police and go through that process, and some individuals choose to do both, so I think that it's absolutely important that that choice needs to continue for the survivor.

Mrs. Kathryn McGarry: Okay. And it would be very helpful if you are able to work with the government on ongoing wording. Do you find that having the students involved in creating the policy is—

The Chair (Mr. Peter Tabuns): Ms. McGarry, I'm sorry to say that you're out of time.

Interjections.

The Chair (Mr. Peter Tabuns): I know.

Mrs. Kathryn McGarry: You have the unenviable position of timekeeper.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Marian Ryks-Szelekowszky: You're very welcome.

UNIFOR

The Chair (Mr. Peter Tabuns): Our next presentation, then, is Unifor. Just to let you know, you have up to 10 minutes to present, then there will be questions. If you would introduce yourself for Hansard. Go ahead.

Ms. Sari Sairanen: Good afternoon, everyone. My name is Sari Sairanen and I'm the national health and safety director for Unifor.

Ms. Lisa Kelly: And I'm Lisa Kelly, the director of the women's department at Unifor.

Ms. Sari Sairanen: You've had an opportunity of briefly looking at our presentation. It is not a lengthy saga; it is about four pages and a teeny, tiny bit on the fifth page, so light reading for you.

We would like to take this opportunity to present on behalf of our members. We are a national organization, we go from coast-to-coast and we represent over 310,000 members across Canada working in a variety of different economic sectors. The bulk of our members do reside here in Ontario, and the history that we also have is that the bulk of our membership is coming here from Ontario.

We are the children of our two predecessor unions, Canadian Auto Workers as well as the Communication, Energy and Paperworkers Union or CEP. Both of our predecessor organizations have been involved very astutely and very diligently in advocating for the equality rights of our members, and we certainly feel that inequality is shown in gender-based violence, so we're very pleased to be able to participate in these consultations, as well as the round tables that have taken place. As a result, we have a submission for you to look at to ensure that we are on the right road, and that if any tweaking needs to be done, it is done before it is brought in to the workplaces.

In the context of occupational health and safety, we have seen over a number of decades how occupational health and safety has evolved in our workplaces, that it is not just the physical safety of workers, but it is also the psychological safety of workers. They go hand in hand: When you're seeing physical issues that are happening in the workplace, they will have a psychological impact as well.

We saw the recognition of that in Bill 168. As a result of the issues and problems that were taking place in workplaces—we saw some horrific examples of that in the deaths of Theresa Vince and Lori Dupont, the subsequent inquests and the recommendations that came from the inquests—I feel that we've been on this journey

for a number of years. It's the 21st century and we're still meeting on how you make these changes in the workplace.

Bill 168 was a good start of recognizing harassment and violence in the workplace. Now we're moving into the other arenas of what Bill 132 would hopefully be able to look at in terms of some of the gaps. One of the gaps in Bill 168 was that it was only a recognition in the workplace that you have policies and procedures. But, actually giving the workplace parties a mandate to start looking at controlling—and, when you're looking at the hierarchy of controls in the workplace, of eliminating or at least reducing—your exposure to violence, including sexual violence, in the workplace was not taking place at a real rapid rate.

At this point I'm going to have my colleague Lisa talk about Bill 132.

Ms. Lisa Kelly: Just before I do: I think that one of the things that we as Canada's largest private sector union bring to the table is not only the breadth of the types of workplaces that we have—the breadth of our membership—but the type of work that we do, both in terms of Sari being an expert in occupational health and safety and my own department looking at gender equality and the rest of the research that's done with the union. We can bring the holistic approach that we appreciate that the government has brought forward with the It's Never Okay initiatives.

1520

We really see that these things don't start and stop in the workplace. You did just focus on campuses, but our submission today is just about the occupational health and safety changes. What we found out of the Bill 168 promise is that in its actual application and its enforcement, it actually didn't get traction in the workplace. It didn't change things from before to after. If there were any changes, the most egregious thing we found was that employers were actually using it to dismiss problem employees—employees that they found they didn't want to deal with. They would then reconfigure insubordinate behaviour or undesirable behaviour as violent. We actually found it being misused rather than being used for the protection of workers, so we're very happy that there's a revisiting in trying to strengthen it.

One of the things that we've tried to point out in our presentation is that prevention really is the key to avoiding health and safety issues in the workplace. We find that although the bill talks about prevention—to give you an example, in the proposed section 32.0.7, it tells the employer, "To protect a worker from workplace harassment, an employer shall ensure that," but then it goes on only to list what happens after a harassment complaint has been made, so after the harassment has actually taken place.

We urge that there be an explicit requirement under the proposals to control the risk of harassment by considering, evaluating and addressing organizational factors that may cause or contribute to harassment in the workplace, and those are: work organization, work demands,

roles of conflict, predictability, leadership work values and undesirable behaviours. We recommend that you look at the CSA-Z1003—psychological health and safety in the workplace—standard that has been developed. It's a made-in-Canada, consensus-based document, and I think it would have a place in this legislation.

Ms. Sari Sairanen: When you look at Z1003 and the consensus base, it also talks about the individuals in the workplace. Who are the agents of change in the workplace? Certainly, the central role that's played in the workplace is by the joint health and safety committees.

We know that legislation alone is not enough. You need to look at: How do you create that sense of change in the workplace, and who do workers go to to effect change in the workplace? Even though we have entrenched in our legislation the right to refuse, oftentimes you're very intimidated in the workplace to go to your employer or to even exercise your right to refuse unsafe work. So joint health and safety committees are, we feel, very central in a workplace to effect that change.

The joint health and safety committee members or the committee itself plays that central role of bringing these hazards to their attention. How do you look at, then, mitigating those hazards in the workplace? One of those mitigations is having the knowledge of what is going on in the workplace. We know confidentiality has been an issue: How do you bring these issues forward and who deals with them? We feel that for the joint health and safety committees, in dealing already with physical safety issues, it is a natural extension for them to be part of the knowledge of these hazards in the workplace and how to deal with them. Then, the parties can certainly look at how you deal with confidentiality. Bill 168 had that issue as well. How do you deal with confidentiality in a workplace when it is a known hazard that the employer has? How do you disseminate that information into the workplace? We see that under section 25(2)(1), joint health and safety committees already receive information. This is an extension of that. This is a workplace issue. How do you deal with that? It's already explained in the legislation.

Ms. Lisa Kelly: I think too much of a focus is on whether or not the health and safety committee is looking at the nitty-gritty complaint. Rather, what we're looking at is that they be involved in putting the policies together and advising about the policies, and in knowing as a pattern what is happening in that workplace. We've given, as an example, our language for a joint investigation where both the union and the employer sit down. We have people who do investigations. They are trained. We produce a booklet; I've given you a link to that. We find that the trust in that means that the investigations are well done and then they're well believed, both on the side of when there isn't a consequence that comes out of the investigation and when there is. It's not just about whether or not something has been remedied; it's whether or not that remedy is actually something that is supported and has value and goes forward in changing the culture of the workplace.

We've given you some information on some specifics, and I'll turn it back over to my colleague to speak to those.

Ms. Sari Sairanen: We're very pleased to see that Bill 132 recognizes that sexual violence can involve acts that are psychological in nature. We all hear about the mental health issues in our workplaces and in society at large.

When you look at the continuum of injury—in occupational health and safety, we often talk of mental injury, and you have that prevention piece which we've talked about. On that continuum of that injury if prevention fails, what is available to the victim as they go through on that trajectory and if they fall into the compensation bucket? That, I think, would be another conversation we can—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time.

Since we have a short time, all the questions go to the government. You have five minutes, and then we'll resume the regular rotation. Ms. Malhi, please.

Ms. Harinder Malhi: Thank you very much for being here today. I want to talk to you a little bit about Bill 132 and how it has affected your membership and how your membership has actually responded to the introduction of the bill.

Ms. Lisa Kelly: They've been very positive. Again, I think we have a membership that was very active around agitating to have Bill 168 brought in, and so they gave us reflections on that being a disappointment, that it didn't fulfill the promise. They're happy that there is a revisiting.

Just with some of these requests around the training of inspectors and having an independent roster if there's an external investigator that's asked for—they don't want to have to come back again with another request.

Ms. Harinder Malhi: What kind of specific language would you like to see included in the Occupational Health and Safety Act with the sexual violence and harassment changes? When you talked about the Occupational Health and Safety Act being changed to make it more specific to the circumstances, what kind of specific language would you like to see in the act?

Ms. Sari Sairanen: We'd like to have more involvement from the inspectors. The inspectors are often called in to help mediate in the workplace. Currently, with how Bill 168 is written, if you don't have a policy, if you don't have procedures—that's the only avenue that the inspector has to write any orders to the employer. There are no substantial changes.

One of those substantial changes would be having joint risk assessments. Who is involved? Currently, the risk assessment is done by the employer, and the results are shared with the joint health and safety committee. You're not part of the process. You're the front line. You know the issues that are happening in the workplace, so you have to be part of that process.

In our written submission, we also state that in order for risk assessments to be meaningful, you have to have

training. You have to have a template and a direction because you have a whole gamut of different workplaces out there.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): You have about two and a half minutes.

Mrs. Kathryn McGarry: Thank you. I wanted to just follow up on my colleague, about training. That seems to be something that probably needs to start in our new health and physical education curriculum—just to change that attitude from a young person on up to the workplace. Can you elaborate further on what the perfect training program would be for an employee just starting out, and also what it would look like for the employer?

Ms. Lisa Kelly: I'm glad that you actually raised the curriculum. Again, I think it's really important that right from a very early age, we learn about the equality of the genders and that we learn respect and dignity for each other. The earlier we learn that, the more we're able to build on that.

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Again, we do some anti-harassment training within our union, paid for by the employer, developed and delivered by the union, and as a component of that, there is a respectful workplace element. Often, the employers are approaching it in a disciplinary way: "This is what can happen to you if you do this." That winds up being negative and winds up actually having a bit of a backlash on the person asking for dignity.

I don't know if people have been following the Newfoundland firefighters case, but there is an example of someone who stood up, spoke out—and then there's actually a mass resignation against that person, in my mind.

So the training is about why we need to respect one another, the equal value we bring there.

From the employer's point of view, there needs to be a shift of power and a shift of expectation of whether people can bring their whole lives to work.

Ms. Sari Sairanen: The Canadian Standards Z1003—I had the opportunity of sitting on that working group, and that goes into very great detail on the 13 key workplace factors. One of those factors is civility and respect in the workplace. Those are those motherhood issues that we take for granted—but they're not. Somehow, they're sort of forgotten when you come into the workplace. I believe that standard is one of those curriculum items that should be looked at even in our elementary and inter-senior schools: "What do you expect? What do you bring to the workplace and to society at large? You are part of the makeup of society."

The Chair (Mr. Peter Tabuns): With that, we have to wrap up. Thank you very much. It was good to see you.

ONTARIO TRIAL LAWYERS ASSOCIATION

The Chair (Mr. Peter Tabuns): The next presentation: the Ontario Trial Lawyers Association. As you have

probably heard, you have up to 10 minutes to present, and then there will be questions. Please introduce yourselves for Hansard, and then take it away.

Ms. Loretta Merritt: Good afternoon. I'm Loretta Merritt, here on behalf of OTLA. With me is Erin Ellis, who is also a lawyer. I have been representing abuse survivors in civil lawsuits for about the last 25 years. Most of my clients are adult men who were sexually abused as children, but I also represent a significant number of women and children.

OTLA strongly endorses Bill 132. While I am not a psychologist, I have come to understand that the far most serious injuries sustained by people who are sexually assaulted are not the relatively temporary physical injuries, but rather the long-term psychological impacts. These are invisible injuries. When someone is abused, particularly as a child, who is unable to understand and process what is happening, they wrongly form the belief that they are at fault, that there is something wrong with them that this happened, or that they allowed this to happen and are to blame. Blaming oneself is a psychological coping mechanism. This self-blame and the shame and the fear of, for example, not being believed or fear of the perpetrator or fear of the judicial system prevents abuse survivors from coming forward, often for decades. The delay in coming forward works against survivors when it comes to limitation periods or time limits for suing.

At the present time, what we have is a relatively complicated set of exceptions for sexual abuse survivors. What this means is that in civil lawsuits a lot of time and effort is spent trying to prove things like when the survivor understood the causal connection between the assault that happened and the harm that they've experienced, or when the survivor is psychologically capable of coming forward and commencing litigation. Sometimes we need expert evidence for that. This complicates cases for survivors who retain lawyers who are able to do the work and mount the evidence, but it also deters many people from even coming forward and speaking to a lawyer, because they think it's too late to sue. Therefore, eliminating limitation periods in sexual abuse cases, as Bill 132 would do, is a critical step if you want to improve access to justice for abuse survivors. We wholeheartedly endorse these provisions in the bill.

OTLA is proposing two small changes to Bill 132. The first is intended to make it clear that the elimination of limitation periods applies to institutions which are legally responsible for sexual abuse committed, for example, by their employees. There is no valid policy reason to distinguish between the perpetrator and the institution which is legally responsible, whether it be through negligence or vicarious liability or another legal way.

In fact, if you don't include the institutions, a great number of abuse survivors will not get justice because, in most cases, the institution is the only one that can effectively compensate.

This leads to another related point, which is that under the Trustee Act, there is a limitation period for suing a

deceased person, and it's two years from the date of death. In cases where the perpetrator is dead, some institutions argue that that limitation period under the Trustee Act affords them a defence. This needs to be clarified.

The second change needed relates to the exception in the situation where the case has been dismissed. We certainly agree with the exception that if the case has been finally dismissed by a court, there should be a limitation period. However, Bill 132 needs to be changed to say that it is dismissed by a court order. The reason for this is that sometimes cases get administratively dismissed by a registrar because an error was made and then they're later revived and they proceed as though that never happened.

The language you have now in Bill 132 could create a loophole for these situations where a case was administratively dismissed. All you need to do is add the words "by a court order," in which case, that loophole will be closed.

There are a few other legislative amendments that OTLA would like to see, and most of these relate to the Victims' Bill of Rights. When someone is assaulted and forms the belief that there's something wrong with them, their lives tend to become a self-fulfilling prophecy. They cover up the shame and the blame with self-harming behaviours like alcohol and drug use, and they tend to be revictimized.

For this reason, I'm of the view that the psychological injuries arising from sexual abuse can actually be far worse than even a devastating physical injury like losing a leg. You can recover from losing a leg; it's hard to recover from thinking you're a worthless human being. Yet because these injuries are invisible, they're poorly understood and seriously undercompensated in our judicial system.

We are proposing amendments that would eliminate repayment of Criminal Injuries Compensation Board awards, Ontario disability support awards, Ontario Works, as well as the elimination of the cap on pain and suffering for sexual abuse cases and, finally, proposing full indemnity costs to be paid by unsuccessful defendants.

One final point: One of the greatest harms from sexual abuse comes from the fact that survivors stay silent for years. This is particularly true with children who are abused and stay silent and lose the opportunity to have an adult help them process and understand what's happened and understand that they're not to blame.

We're strongly of the view that legislative change is needed with respect to confidentiality agreements in civil sexual assault settlements. Sometimes, even today, defendants ask for complete gag orders in settlements. These gag orders would prevent abuse survivors from ever talking about what happened to them. This amounts to a revictimization. Silencing the survivor can never be justified and legislative action is needed in this area.

Thank you for listening.

The Chair (Mr. Peter Tabuns): Thank you for that. We have about two minutes per party. We start with the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much. I'm particularly interested in the final part of your presentation about the amendments to the Victims' Bill of Rights. Now, I'm not familiar with the legislation. The Victims' Bill of Rights—is that a separate act?

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Ms. Loretta Merritt: Yes. It's an Ontario statute that gives victims certain rights to be informed of what's going on in a criminal proceeding. It also relates to civil lawsuits and talks about things like the fact that there is presumption that the defendant should pay a higher award of costs and creates a presumption of damages for certain types of lawsuits based on certain types of criminal offences, including sexual assaults.

Ms. Peggy Sattler: So there are no amendments to the two acts that are currently referenced in this bill—the Compensation for Victims of Crime Act and Limitations Act—that would get at these issues that you identified?

Ms. Loretta Merritt: It would be hard—other than the Trustee Act one; that could be done in Bill 132—the one where the perpetrator is dead. You could do that in the Limitations Act.

Ms. Peggy Sattler: So that's the only amendment that could be—no, I guess you've proposed language for the amendment around institutional defendants.

Ms. Loretta Merritt: Right. The first two points I made relating to court orders dismissing actions as well as making it clear that institutional defendants are caught up by Bill 132—those are absolutely, squarely within 132.

The Trustee Act amendment—you wouldn't have to actually amend the Trustee Act. You could put something in the Limitations Act about that to say—

Ms. Peggy Sattler: Oh, I see.

Ms. Loretta Merritt: Right? But the other things, I think, are really something to—

Ms. Peggy Sattler: Subsequent legislation.

Ms. Loretta Merritt: Something to be done in the future, yes.

Ms. Peggy Sattler: If you've had a chance to review all of the schedules of the bill, it has been pointed out to us that there is some variation in the definitions of sexual violence—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say, you're out of time.

We'll go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your very thoughtful and very comprehensive understanding of the issue. I don't even know where to begin with questioning.

I'm going to start from the very beginning: the health and physical education curriculum changes that have happened in Ontario schools this year. Are you supportive of those?

Ms. Loretta Merritt: Absolutely. The sooner we can educate our children about these kinds of matters, the better. It's all about creating a space for children to come forward and disclose at a very early stage. All the science backs up the fact that it's the non-disclosure that creates

the greatest harm. Anything that opens the conversation is a good thing, in my view.

Mrs. Kathryn McGarry: It's interesting that you followed that through. You should be a psychologist as well as a lawyer; I'm sure you've heard that.

Regarding the self-harming behaviours like alcoholism and revictimizing: Is there much understanding amongst your members, or should there be more training regarding these kinds of issues?

Ms. Loretta Merritt: I'm happy to say that as more survivors come forward and more medical studies are done and medical literature is available, the legal profession as well as the judiciary is becoming much more aware of these causal connections and links. New information comes forward almost on a weekly or monthly basis. They're now finding links between, for example, schizophrenia and childhood sexual abuse. For many years, we didn't understand there was any connection there. It's something that's constantly evolving.

Obviously, there can't be enough public education on this issue. Unfortunately, it's an issue a lot of people just don't want to talk about.

Mrs. Kathryn McGarry: I commend you for bringing that forward.

What percentage of clients come after two years, with historical abuse, who want to do something about it?

Ms. Loretta Merritt: Longer than two years? In my practice, 99%. I have very few current cases. The current ones are, like I say, the exception—99% might be a little high.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we're out of time with this questioner.

Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much for joining us today.

I just want to clarify a couple of things. I'm not a lawyer. We're talking about limitations in civil proceedings. There are no limitations from a criminal—

Ms. Loretta Merritt: That's right.

Mr. John Yakabuski: There was a huge case in my area of sexual abuse of a number of boys by a priest that went back 30-some years. That has been dealt with by the courts. There were settlements; that was part of the criminal proceedings, I suppose. I guess what I wanted to ask on the gag orders, sometimes in settlements, there's an agreement: The victim, in order to get it dealt with quickly, accepts—were you proposing that that practice should be made illegal, for them to accept a gag order, or just never be imposed on them?

Ms. Loretta Merritt: Here's the thing: Defendants ask for it to settle the case. It's fine to keep the terms of settlement confidential, the fact that they settled, how much they paid. But to silence the victim by saying you're never allowed to talk about your experience to your family, to your health care professionals, to speak out at a victims' group—that can't ever be justified. I think they should be unenforceable legally.

Mr. John Yakabuski: So they should be made illegal.

Ms. Loretta Merritt: Yes.

Mr. John Yakabuski: Even if the person wants—I'm just saying—

Ms. Loretta Merritt: But look what happened to Martin Kruze. He made that agreement and years later could not live with it. He breached it, came forward and we're still seeing Gordon Stuckless cases today, generations of people—

Mr. John Yakabuski: I don't disagree with you. I'm just asking you, from a legal perspective, how we would manage that kind of thing.

Ms. Loretta Merritt: I get very passionate about this.

Mr. John Yakabuski: You do, and I appreciate that. It's great to have you here today. Thank you very much.

The Chair (Mr. Peter Tabuns): With that, thank you very much for your presentation.

Ms. Loretta Merritt: Thank you.

Mr. John Yakabuski: We got it in before my time was actually up.

The Chair (Mr. Peter Tabuns): I know. Amazing.

ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES

The Chair (Mr. Peter Tabuns): Our next presentation, then, is the Ontario Association of Interval and Transition Houses. As you've probably heard, you have up to 10 minutes to speak, then there will be questions. When you settle in, if you'd introduce yourself for Hansard, we can go from there.

Ms. Marlene Ham: Hello. My name is Marlene and I'm the provincial coordinator with the Ontario Association of Interval and Transition Houses. I have here with me today the chair of our board, Charlene Catchpole.

OAITH serves as a provincial advocacy and educational coalition, which was first founded by women's shelter advocates in 1977. Our membership includes first-stage emergency shelters for abused women, second-stage housing programs and community-based women's service organizations. I am proud to say that in almost a quarter century since our founding we have grown to represent the majority of Ontario's VAW shelter system.

Our mandate is to work with our member agencies to educate and promote change in all areas that abused women and their children identify as important to their freedom from violence. We actualize this through strong government relations, public awareness campaigns, training, research and resources for our member organizations.

It is for that reason I am honoured to be at this table in support of Bill 132, an act which is intended to fight a significant problem in our society: sexual violence and harassment. That being said, while OAITH supports Bill 132 and deeply appreciates the good of government on this issue, we suggest a few areas that can be strengthened, either in legislation or in the regulatory phase to follow, that we believe will help ensure the bill achieve its stated goals.

Firstly, schedule 6 of Bill 132 proposes to amend the Residential Tenancies Act to allow for a woman and her child to break a lease or rental agreement early so as to get out of a violent situation. This is an important policy shift that we support. However, we caution the committee that it must be implemented in a way that does not unintentionally expose women to further harm. Specifically, if the abused party must give 28 days' notice, we must ensure through a legislative amendment or regulation that there will be significant penalties to the landlord or superintendent should they wilfully or unintentionally inform the accused abuser of the notice of termination.

As a result, we would respectfully suggest to the committee that a legislative amendment be included under section 47, which allows for the development of penalties for landlords and/or superintendents who do not meet their obligations under this act and expose women to further risk of abuse and harm. We have included some suggested language in our briefing package to this effect. However, we would be open to this matter being addressed under regulations, although we believe it would be stronger to include this as a legislative amendment with the specific penalties outlined in regulations.

In addition, schedules 3 and 5 of the act propose to amend the Private Career Colleges Act and the Ministry of Training, Colleges and Universities Act, to have sexual violence policies that set out the process that will apply when incidents and complaints of sexual violence are reported. OAITH supports these schedules strongly, as they will add consistency in support for victims of sexual violence.

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That being said, there is a significant gap between victims who report, victims who disclose but don't want to report, and those who don't report or disclose at all. As one of the primary purposes of this bill is to engineer a cultural shift, particularly amongst young people, we must reach out to these individuals who choose not to report their assault and ensure that each post-secondary campus is a safe place for all students. To do this, we recommend that all colleges be mandated, as part of their reporting obligations, to be required to conduct—directly or through a third party—a cultural attitudinal survey of students to determine the level of acceptance of sexual violence and how that is shifting. This will allow for strategies to be developed that will support positive behaviour change among students and empower more people to speak up about the challenges they face. Moreover, it will have the additional benefit of providing a matrix in future years, which will allow you to measure the success of this legislation.

Thirdly—and this is a more thematic comment to the act—I would reinforce to this committee that while this bill is welcome, necessary and strongly has the support of our association, it could benefit from a stronger intersectional understanding between sexual violence and domestic violence through a broader gender-based violence lens. The two issues are directly linked, so I would encourage this government and committee to continue

working toward collaborative models utilizing an intersectional policy analysis framework to build upon shared supports and responsibility within our sector to address this ongoing problem.

In conclusion, I would like to thank the committee for the opportunity to be here today, and I would like to thank the members here and the government, in general, for their strong leadership on this important initiative. Much of what we have suggested today can be more clearly defined in regulations, and OAITH stands ready to support the ministry in this important work.

I would be pleased to take any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you. With that, we go to the government. We have about three minutes per party. Ms. Malhi?

Ms. Harinder Malhi: Thank you for your presentation and taking the time to be here today.

I wanted to talk to you a little bit about how you see the proposed changes to the Residential Tenancies Act helping those women in need.

Ms. Marlene Ham: Many women who are accessing shelters through our membership are living in situations where they're experiencing financial abuse, so for them to have that option is a great benefit, absolutely. It removes a barrier for them to quickly leave a situation and get into a safe place.

Certainly, we see lots of benefits, but I guess the regulatory aspects that we've really been exploring are a lot of the what-if situations—certainly, if the landlord is the abuser. Those are some pieces of feedback that we've received from our membership—to be cognizant of that and what to do in those kinds of situations.

Ms. Harinder Malhi: Is there any specific language that you would like to see included in the bill?

Ms. Marlene Ham: Yes. We did prepare that for you on the second page of the briefing package.

Recommendation 1:

Under section 47.4 a new subsection be added that reads as follows:

“(2) A person who has the duty imposed by subsection (1) and fails to carry it out is guilty of an offence and on conviction is liable to the penalty as proscribed by regulations.”

Ms. Harinder Malhi: Thank you.

The Chair (Mr. Peter Tabuns): The opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today and for your submission. I'll probably touch a little bit on the same things that Ms. Malhi did.

First of all, I share your views on the changes to the tenancies act, and I think that that will be helpful. Quite frankly, not having been deeply versed in this at any time in my own life, I was shocked that it wasn't part of the ability in the past to—and I know that Minister Naqvi, when he wasn't a minister, proposed a private member's bill that would actually do this. I think incorporating it into this bill is positive.

You also touched on the university and college side of it. I have some real problems with the climate survey versus reporting. Can we not do both? If we really want to have all the tools at our disposal, all the arrows in our quiver when it comes to stopping this—because a survey, as far as a tool of action, does very little. There is some information, but we need action. I understand the victim has the right to decide whether or not they want to come forward with this, but we have to be able to show that perpetrators are punished, or else the behaviour continues. Society has to know that there are consequences. So as well as a survey on the campuses, the mandatory reporting—isn't that something we can agree will help in this regard?

Ms. Marlene Ham: It would be the position of our association that there needs to be a broad range of strategies. Some women want to report. The reality is, though, that most women may not want to do that at this point. I think prevention is going to be key to building awareness around the issue—the policies that the universities and colleges are going to have to implement. We believe that will certainly help. But to enforce a reporting structure—

Mr. John Yakabuski: But not by the victim, by the institution.

Ms. Marlene Ham: A lot of women and men won't necessarily come forth if they know that is what's happening with the information.

Mr. John Yakabuski: It can still be that the names don't have to be released.

Interjection.

Mr. John Yakabuski: Okay.

Ms. Marlene Ham: Yes. That has been our experience. That's precisely the problem.

Mr. John Yakabuski: If we want to stop this, we need all the tools—

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we're out of time.

We'll go to Ms. Sattler.

Ms. Peggy Sattler: Thank you so much for being here and for your presentation. I really appreciated your comments on the intersectionality between intimate partner sexual violence within a sexual violence framework.

In each of the schedules of the bill, there are some differences in the definition of sexual violence. I hope you had a chance to look at the definition of sexual violence that's proposed, particularly in schedules 3 and 5, and what that includes. Some deponents have made some suggestions for wording that would better capture intimate partner sexual violence within that definition. Have you come across any kind of definition that you think works to incorporate intimate partner violence, sexual harassment and sexual violence all within a single definition?

Ms. Marlene Ham: In the briefing package, we did include research and stats on intimate partner sexual violence.

Another way to look at it is, certainly, a broader gender-based violence against women understanding and

perspective—because it does include all forms of violence in those understandings and definitions. At the same time, sexual violence deserves some attention. Sometimes we have to look at it concurrently, and sometimes it is unique and apart from one another. We just need to make sure that we allow opportunity for us to be able to view all of these issues in certain ways. That's why we would certainly recommend looking at an intersectional framework.

Ms. Peggy Sattler: The other question is about the Residential Tenancies Act. We did have a presentation in Peterborough that talked about a woman who may have experienced abuse who wants the abuser—the perpetrator—removed from the lease. Was that anything that you discussed within your association and do you think that that would be something workable that could be included in this bill?

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Ms. Marlene Ham: We did discuss that as a membership. What we weren't too sure of was, is that legislative or is it regulatory and what would be the nuances to that? So we certainly explored it, but we didn't include it as a recommendation, because we know that women do get a fair number of supports through services that are in the community.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we've run out of time. Thank you for your presentation today.

YORK UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presentation is from York University. As you've probably heard, you have up to 10 minutes.

Mr. John Yakabuski: You're doing double duty today.

Dr. Janet Morrison: Yes.

The Chair (Mr. Peter Tabuns): Yes, you are. Well, you know the whole routine. Just introduce yourselves for Hansard and take it away.

Dr. Janet Morrison: My name is Janet Morrison. I'm proud to be here representing York University.

I want to introduce my colleagues: Robert Castle, a senior executive on our campus, investigating and leading on issues of campus safety—he has been a strong male voice at York; Elana Shugar, a policy and program adviser on the file of sexual violence on our campus; and my co-presenter, Jessica Thyriar, an alumna, a graduate student, representing our York Federation of Students today, who will speak to her own background and experiences shortly.

I want to thank the government of Ontario for their commitment to supporting survivors and challenging sexual violence and harassment. I'm here with Jessica today to speak on behalf of our very large student population, which exceeds 50,000—a richly diverse, socially conscious and highly engaged learning community. Students, faculty and staff at York have sought to be leaders on

issues related to campus safety and, more specifically, sexual violence and harassment in universities.

York is committed to creating an environment where all people feel welcome, valued and safe. We know that these conditions are precursors to people performing optimally and making full contributions as members of the York community. To that end, York was the first university of its size to complete a comprehensive and holistic safety audit through METRAC, and has implemented over 80% of its recommendations. We invest annually in raising awareness about consent culture by hosting an event titled *You Had Me at Consent*. We hired a full-time staff member dedicated to sexual assault prevention and education. We've adopted an active bystander program to engage our community in preventing sexual violence. And we developed the York safety app, which has been downloaded by over 20,000 community members and includes an emergency alarm and links to campus security, emergency contacts, campus maps, goSAFE and shuttles, counselling and support.

I'm going to ask Jessica to introduce herself and speak to three key principles that continue to guide York's overall work on sexual assault, specifically. She's also going to speak to the priority our university has placed on student engagement. Undeniably, students continue to inspire and inform our work on policy development, procedures articulation and practice.

Ms. Jessica Thyriar: My name is Jessica. I'm currently a graduate student at York, with my research focusing on sexual violence. In the past, I was president of my student union, which is when I got involved with my fellow folks around me and York University in combatting sexual violence. I'm currently staff at our students' union for the undergrads and sit on the member list for sexual violence.

I wanted to start by talking about the three key principles that I'm proud to say that York has kept when we've developed our sexual violence policy, along with using different educational tools and programs to combat sexual violence on our campus.

First and foremost, we're committed to eliminating sexual violence in all its forms and in all aspects of our lives.

The second thing is something that I'm most proud of: York is committed to being survivor-centric. Whether it's accommodations and supports for people who have been sexually assaulted prior to attending university or currently, whether it has happened on or off campus, our accommodations go toward all students, and they're more than welcome to come and get them.

Third is something that I think is also important for institutions to take into consideration, and that is that we're committed to due process for respondents, but also to holding perpetrators accountable.

I'm happy to say that the York community, which is our students, faculty and staff, is very happy to see Bill 132 come to the fore. We specifically want to applaud the student involvement in policy development and transparency in reporting.

I'm going to talk a little bit about the background of how we started our sexual violence policy committee. That was around three years ago. Students at the university came together and saw that there was a serious issue on our campus. As you can tell, we just passed our policy, I think, last February, so this came into place two years after that. You may think that's a long time—because I see how the bill is asking for universities to have policies—but I think that time was actually beneficial for us.

We have 10 student members on our committee. I'm going to go over some of them. There are 10 student committees. There is the YFS, which is the undergraduate students' union; the graduate students' union; the Centre for Women and Trans People; the Access Centre; the Trans Bisexual Lesbian Gay Asexual at York; the United South Asians at York; the aboriginal students' association; YUBSA, which is the black students' alliance; SASSL, which is our sexual assault support line; and the Community Safety Council chair, which is also a student. As you can see, we have a diverse background of students on our committee, who have actually developed our policy and been integral to the process of bringing up issues that various communities face that are important to have in policy. We couldn't have done this within a year or within a deadline, because this is very important to having our unique campus atmosphere put into our policy.

That's something I really want to stress: Although it may have taken us two years to develop our policy, this is what has made our policy so effective, and the intersectionality in bringing together important voices that aren't necessarily heard is what has made students feel safe in contributing to our policy.

Dr. Janet Morrison: I want to echo Jessica's comments about York University's support for the Premier's action plan and Bill 132. There is truly a clear and dedicated commitment at all levels of our organization to prevent sexual violence, raise awareness of it as a societal harm, and to respond effectively when members of our community experience it.

However, I would also like to bring to the committee's attention three opportunities that we would propose for strengthening the legislation. Specifically—and some of these will be familiar to you—I want to just talk briefly about scope, reporting versus disclosure, and the value and desired impact or outcome of public reporting. I'm going to be really brief, because I think people have questions about this, so I want to make sure we leave time for that.

With regard to scope, York agrees with submissions made by others that the scope should be expanded to include the entire community. We would just reiterate the example wherein an undergraduate student works as a staff member at an administrative office or a graduate student works as a contract faculty member. In the interests of transparency, clarity of communications and consistency—all values articulated in the bill—all members of our community should be covered by the university's sexual assault policy.

On the issue of reporting versus disclosure, York is unwavering in our position that universities must be empowered to distinguish between a report of sexual violence which is formal and involves an expectation of action and a disclosure of sexual violence confidentially for the express purpose of accessing resources or accommodations. We very much fear that a failure to make this distinction explicit in the legislation and regulations may discourage survivors from seeking help because, for example, they fear judicial processes and/or police involvement. Our accountability is to provide safe, confidential space for disclosures because it will empower us to mobilize and avail a survivor of the wealth of resources on campus and beyond.

Finally, York is concerned that the focus on counting occurrences and the number of times supports are accessed is not the optimal means alone for furthering our primary objectives: eradicating sexual violence and/or providing optimal supports and accommodations. Rather—and I want to be clear about this—notwithstanding York's acknowledged leadership on the issue of transparent, accessible incident bulletins and crime statistics reporting, we're advocating for incident reporting and the implementation of a provincial climate survey. This is going to give us better, more reliable data on occurrences, and it will help us improve the efficacy of our programming. It will afford evidence to the public, parents, potential students and current students of the information that they need to make informed choices about enrolment. It will also, importantly, give us the leverage we—colleges, universities, the women against violence sector and governments—need to truly promote and drive cultural change.

Thank you for your time today. We're happy to take questions.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about two minutes per party. We'll start with the opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, again, for spending the day with us—or a good part of it.

Dr. Janet Morrison: It's my pleasure.

Mr. John Yakabuski: On the broadening to the whole community: There was an amendment proposed earlier in the day, by another deputant, removing the word "solely" from schedule 3, section 17(3)(a). Is that essentially what you're talking about there? Because it refers to solely students.

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Dr. Janet Morrison: Yes. There were two spots. I think Ryerson made the point that, on looking at occurrences, it should be the community. We are speaking more broadly to the policy piece that speaking solely to students, as opposed to a policy that applies across the community, poses challenges.

Mr. John Yakabuski: Thank you very much. And on the climate survey—

Dr. Janet Morrison: I don't want to feel left out about a question on the climate survey.

Mr. John Yakabuski: I know, I have to. The challenge is that, in a few minutes, I can't seem to really grasp why there seems to be a reluctance to embrace the reporting side and an almost universal embracing of the climate survey. Maybe if we had some more time, somebody could help me get my head around that.

However, don't we want to do everything we can do? If the challenge is getting people to feel comfortable about talking about this—the more we understand how much is actually going on, not by a survey, but actual empirical discussions, evidence of actual crimes, the better chance we have of eliminating them. So what can we do, both as government and as institutions, in making people feel more comfortable, making them feel that by coming forward, they are not threatened by—

The Chair (Mr. Peter Tabuns): Mr. Yakabuski, unfortunately, you're out of time.

Mr. John Yakabuski: Oh, no. Save your answers for someone else.

Dr. Janet Morrison: Sorry, I'll try.

The Chair (Mr. Peter Tabuns): We go on to Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. Just a quick comment: I've really been struck by definitions throughout this legislation. I noticed that York's policy refers to "sexual assault," rather than "sexual violence." Was that deliberate, and can you explain the rationale behind that?

Dr. Janet Morrison: Do you want to take that question, Rob?

Mr. Rob Castle: Sure. When we were putting the policy in place—we already have a harassment and discrimination policy which incorporates sexual harassment, so sexual violence, really, is taking sexual assault and expanding to include harassment. Because we already had a free-standing policy that governed sexual harassment, we focused on the current policy on sexual assault. One really is governed by enumeration under the Ontario Human Rights Code; the other governed by the enumeration under the Criminal Code.

Ms. Peggy Sattler: So when this legislation takes effect, you would have to change your sexual assault policy, so that it would become a sexual violence policy and it would incorporate those elements of harassment that are in that other policy?

Mr. Rob Castle: We are already having those conversations, absolutely.

Ms. Peggy Sattler: Okay, thank you—

Mr. Rob Castle: In fact, we see the wisdom of having the umbrella policy of sexual violence.

Ms. Peggy Sattler: Okay. Now, you acknowledge that Ryerson said that they would be interested in doing this climate survey with their entire campus community—that, even if only the student data was reported to the ministry, they would see value in understanding that, just from their own institution. Do you share that point of view?

Dr. Janet Morrison: I think that we share the priority that all members of our community need to feel and be safe. So we survey community members now on their

perceptions and experiences around safety, and we currently report on occurrences that include community members—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with this questioner. We go to the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here for the second time today. I wanted to talk to you a little bit about York's experience in developing a sexual violence policy, if you just want to tell us a little bit more about your experience, how you've gone about that and what your thoughts are.

Dr. Janet Morrison: Okay. I actually think that Jessica is best positioned to do that.

Ms. Jessica Thyriar: As I said, we started this process three years ago. At first, it was interesting because we needed to map out what certain institutions or departments in the university did regarding sexual violence, to see how we can kind of compromise, make sure that everybody was doing the exact same thing and make sure that we're sending the information out to everyone.

Then, we realized that we needed to expand the amount of students we had on our policy committee, because we really wanted a diverse policy that applied to everyone and that everyone felt safe and comfortable with.

It's not that it hasn't been challenging. We were talking about these things when everyone else wasn't talking about these things. So it was like ideas coming from everyone and wondering what we were missing out on, what could be talked about more, asking people what they were doing on various other campuses and thinking of what programs we could develop.

I would say that with this bill coming forward, and other schools starting to do things and having conferences and talking about it, it has begun to get much easier. I think there's also a trust that has been built with the students and the administrators—not to say “administrators” in a bad way. But we have a sense of we're honest with each other and we're more open. I think that's because we've been a part of this process for so long, and we're capable of actually sharing what works and what doesn't work for both parties.

Ms. Harinder Malhi: Okay. Thank you.

The Chair (Mr. Peter Tabuns): You have 10 seconds; you could make a statement.

Mrs. Kathryn McGarry: Do you use the #WhoWillYouHelp Twitter hashtag in your school?

Mr. Rob Castle: Not yet, no.

Dr. Janet Morrison: Some of our students use it. Some of our students do, absolutely.

Mrs. Kathryn McGarry: Okay, thank you.

The Chair (Mr. Peter Tabuns): Okay, thank you very much for your presentation.

Dr. Janet Morrison: Thank you.

YWCA TORONTO

The Chair (Mr. Peter Tabuns): Our next presentation is from YWCA Toronto. As you have probably

heard, you have 10 minutes to present. If you'd introduce yourself for Hansard.

Ms. Maureen Adams: Good afternoon. I'm Maureen Adams from YWCA Toronto. My colleague is Etana Cain. We're here today as a community-based organization that works with many women who experience sexual harassment, violence and domestic violence.

Our association serves over 11,000 women in the city of Toronto, in 30 programs in 12 communities all across the city. Of that number of women that we serve, 1,400 women are in programs that focus on violence against women. We have a long history of partnership with the province of Ontario in working for equality, and have received funding across all the areas of our work to support women, especially those who have experienced violence.

It was around this time about a year ago that we hosted the launch of the province's It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment. We also appeared in hearings held by the Select Committee on Sexual Violence and Harassment where we made recommendations about how the province could strengthen supports for survivors of violence, and we recently participated in consultations on proposed changes to the Residential Tenancies Act to make it easier for women experiencing violence to flee abuse.

Ending sexual violence and harassment is probably the top priority at YWCA Toronto. We talked with all of the women in preparation for our appearance at the select committee, and they told us that there needs to be a continuum of strategies to ensure that they can find safety, support and justice. These strategies ranged from changing awareness and behaviour, which many of the changes in Bill 132 address, to crisis and trauma counselling, to legislative change and reform. Most importantly, they told us that they fear for their safety as they navigate the legal system and try to rebuild their lives after violence.

We wanted to start by congratulating the government on the comprehensive strategies in the action plan, and the speed with which it is being implemented. The public awareness campaign, which speaks to the issue of gender equality, stepping up and anti-bullying, is hard-hitting and exceptional, and the leadership across government and across all party lines is critically important.

Our association supports Bill 132 because colleges and universities will be required to develop policies to reduce sexual violence on campus and to investigate all complaints fairly and expeditiously, and the new reporting and review requirements will be mandatory, including the strong voice of students to ensure that real change happens on campus. These are very welcome reforms, particularly the inclusion of students on campus.

Employers will now be required to develop sexual harassment prevention programs and will have a duty to ensure that incidents are all investigated thoroughly. As we know from recent incidents in the last year that led both to the formation of the action plan and the select committee, the practice of addressing violence and harassment in the workplace has not always occurred,

and women have found themselves vulnerable and working in discriminatory working conditions. We believe that the steps in this bill will begin the culture change needed to create safe workplaces for women.

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We also strongly support removing the limitation period for all civil proceedings in sexual assault cases. This will enable survivors to bring forward historic sexual abuse claims. In our work, this is common. Just as one of the deputants said before, it takes women a long time to cope with the violence they have experienced and talk about it to anyone, and determine whether they'd like to take action. Our view is that no matter when sexual assault occurs, women should have legal remedies available and the opportunity to seek justice for the violence that they have experienced.

We also feel strongly about removing the limitation period for claims under the Criminal Injuries Compensation Board. This is really important. Many women don't even know about the board. Many were not able, at the time of their assault, to make a claim. They should always have the right to exercise their right to compensation. Under that legislation, we know that many women who make claims get awards that help, especially for trauma counselling and other supports, in their recovery from the violence that they've experienced.

Of course, we support shortening the notice requirements in tenancy agreements because it will make it easier for survivors to flee abuse with less financial penalties. It doesn't mean all financial penalties are alleviated, because there is still a 28-day notice period. If a woman has to leave on the spot, she still has liability for those first 28 days.

So Bill 132 is a good start on many of the key issues developed in the action plan and in the recommendations that we've read from the select committee. We know there is still much room for implementation under the plan, and we know there are very strong recommendations from the select committee that need to be given serious review and consideration.

Our own association has looked beyond this bill, at things that should happen in terms of next steps on sexual violence and harassment, and the first thing is, increasing funding for affordable long-term trauma counselling. This is the number one issue identified by the women we work with. Current time-limited counselling programs are inconsistent with best practices in trauma recovery, and private counselling not funded by OHIP is simply unaffordable for the women who need it.

We also have heard from women that the other issue they're very concerned about is going through the court process, especially cross-examination. We have deputed to the select committee on this issue that there needs to be improved access to independent legal counsel when women are in cases that are proceeding to trial. This is to ensure that women's charter rights are protected and that the rape shield provisions established by the Supreme Court of Canada protect women during cross-examination. The action plan calls for a pilot project in these types of cases and should be strongly supported. If

nothing changes during the court process, things will stay the same: Women will not report, conviction rates will remain low, and the criminal justice system will continue to fail women.

We also feel that strong efforts have to be put in place to tackle misogyny by funding empowerment programs for girls. These are the women who are disproportionately affected by sexual assault at very young ages. This would include a focus on consent and healthy relationships. The girls we meet with have told us they want gender-specific programs where they have the opportunity to talk about violence in an open, safe, non-threatening environment.

Finally, we know from the select committee, and also from the investigative report at the Toronto Star and the national task force on sex trafficking of girls, that immediate action must be taken. This is one of the most extreme forms of violence against women. It includes repeated sexual violence and repeated abuse like you would have in an intimate partner relationship.

On behalf of the women and girls at our association, we urge you to support Bill 132 and the related recommendations. Women across the province are counting on you for strong support to eliminate violence. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have enough time for two minutes per party. We start with Ms. Sattler.

Ms. Peggy Sattler: Thank you very much. I think you've set out some very clear goals for next steps once we get this legislation amended and passed.

I wondered if you had any specific recommendations for amendments to Bill 132 that you see as critical, to strengthen the bill.

Ms. Maureen Adams: We've been listening to the deputations throughout the day, so we know there have been issues raised about definitions. We agree that the definitions need to be clear and consistent with the Ontario Human Rights Code definitions. That's the first thing that we would say.

We would also, I think, say that difficult as it is, the 30-day notice on the Residential Tenancies Act still creates a financial burden and liability for women. The 60 days has been reduced to 28, but women are still liable for that notice period if they leave in advance of it.

Ms. Peggy Sattler: We had also heard that just paying the 28 days if they might have to vacate immediately, but also getting first and last for the new place that they're going to move to—the financial burden can be significant.

Do you see the need for some kind of—I know the city of Toronto's new policy proposed, I think, some kind of operational funding that would be accessible to women when they're changing housing because of domestic violence. Do you see that as—

Ms. Maureen Adams: Do you mean putting women on a higher priority list for housing or do you mean financial support?

Ms. Peggy Sattler: No, when they're terminating their lease, their rental agreement, because of sexual violence—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. We'll go to the government. Mr. Potts.

Mr. Arthur Potts: Thank you, Ms. Adams, for being here. More importantly, thank you for your leadership work that you've done on the select committee and the It's Never Okay campaign. So much of the work that you have done over the past years with government and with other stakeholders was reflected so clearly in this bill. Having sat here and listened to the depositions, it's heartwarming to see so many people supporting the broad reach of this bill and how it will move forward. There are some tweaks, and we appreciate you raising some of them.

One of the things that I haven't heard about today is in the definition side, whether we should be expanding to catch other forms of bullying and leering and those types of issues within the definition, or whether we should leave that up to the facts of the situation whether it would qualify.

Ms. Maureen Adams: I'm just going to get the definition. I thought the definition could encompass that.

Mr. Arthur Potts: Okay. Then we don't have to put in specifically—

Ms. Maureen Adams: Myself, I thought the definition was broad. Someone else raised a question about does it apply to intimate partners. I thought the definition was broad enough that it would.

Mr. Arthur Potts: I appreciate that. With respect to the Residential Tenancies Act, we heard your concerns about the 28 days. I'm sure there will be further discussion about that. I think you said there are about 1,400 people in your program, and thank you for the support you're giving there, of course. How much of that is coming out of the university and college experience, would you say? Do you have a sense of it?

Ms. Maureen Adams: If it was coming out of that, it would be historic.

Mr. Arthur Potts: Exactly.

Ms. Maureen Adams: Yes. It wouldn't be current. The youngest population we work with are girls, and they're just heading to university.

Mr. Arthur Potts: Right. Okay.

Ms. Maureen Adams: But the other services would be violence against women, shelters and trauma counselling, and that demographic would be a little bit older and not directly from university or college. But they have children and they're worried about them.

The Chair (Mr. Peter Tabuns): Your time is wrapped up with this questioner. We go to the opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for all the work you do through the YWCA in Toronto. I know my local Ys do a tremendous amount of work.

Thank you so much for appearing at the select committee, following, knowing our amendments and helping to endorse some that are missing from Bill 132. I especially want to thank you for recognizing the human trafficking priority that needs to occur.

We were talking about improved access to support through the court process. Do you want to expand a little bit more on what you think we could do there?

Ms. Maureen Adams: Are you talking about the select committee?

Ms. Laurie Scott: Right here—

Ms. Maureen Adams: The select committee's recommendations talked about having a non-legal advocate from the beginning to the end of the process. We support that completely, but we're actually calling for independent legal counsel through the court process, because what women are telling us is that even with the changes from the Supreme Court of Canada, they are still cross-examined on their sexual history and there is still an attempt to get their private medical and counselling records into the court. There are cases when they need their own counsel in cross-examination when they get to trial. That's the difference between what's in the select committee recommendation and what we're recommending. We're just recommending something additional.

Ms. Laurie Scott: Right. And a faster process, so more dedicated court—

Ms. Maureen Adams: Totally faster. Yes.

Ms. Laurie Scott: So within a year? Do you want to expand on that a little bit more? We're trying to push for that also.

Ms. Maureen Adams: You mean dealing with trials expeditiously? Well, it's critical. It's very critical, especially—I've done a lot of work on sex trafficking. It's critical in sex trafficking. If you don't get in fast, you lose the women and they're back out and trafficked somewhere else. I don't have a year, but they have to be expeditiously handled.

Then, on the other side, abusers try everything they can to delay court proceedings—adjournments—to prevent that from happening.

The Chair (Mr. Peter Tabuns): I'm sorry to say, that ends our time for today. Thank you for your presentation.

Ms. Maureen Adams: Thanks so much.

Mr. John Yakubski: Sorry to say the adjournment is coming near.

The Chair (Mr. Peter Tabuns): Well, adjournment may be coming very quickly, but colleagues—members—I have two items I have to check with you.

We've received two requests to make anonymous written submissions to the committee on this bill. That means the submission will be public, but we will not have the name of the people who have submitted it. The reason for both requests is a concern for safety. They're willing to provide more information to committee members if requested. Does the committee agree to these requests? Agreed.

I've also been asked to have an extension of the submission deadline to 4 p.m. at the end of the day, January 28. Is the committee agreeable? Agreed.

The committee is adjourned.

The committee adjourned at 1632.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 16 February 2016

Mardi 16 février 2016

The committee met at 1601 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're here to consider a subcommittee report relating to Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters.

I understand we have a member who will read the report into the record. Ms. Sattler?

Ms. Peggy Sattler: Thank you, Chair. Your subcommittee on committee business met on Tuesday, February 2, 2016, to consider the method of proceeding on Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters, and recommends the following:

(1) That proposed amendments to the bill be filed with the committee Clerk by 12 noon on Wednesday, February 24, 2016.

(2) That the committee meet for clause-by-clause consideration of the bill on Monday, February 29, 2016, and Tuesday, March 1, 2016, during its regular meeting times.

(3) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the subcommittee report to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

I move that the report be adopted.

The Chair (Mr. Peter Tabuns): Thank you. Any discussion? Are committee members ready to vote? Shall the committee report be adopted? All those in favour? All those opposed? It is carried.

The committee is adjourned.

The committee adjourned at 1602.

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STANDING COMMITTEE ON SOCIAL POLICY

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Vice-Chair / Vice-Président

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Lundi 29 février 2016

Standing Committee on Social Policy

Sexual Violence
and Harassment Action Plan Act
(Supporting Survivors
and Challenging Sexual Violence
and Harassment), 2016

Comité permanent de la politique sociale

Loi de 2016 sur le Plan d'action
contre la violence
et le harcèlement sexuels
(en soutien aux survivants
et en opposition à la violence
et au harcèlement sexuels)



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 29 February 2016

Lundi 29 février 2016

*The committee met at 1403 in room 151.*SEXUAL VIOLENCE
AND HARASSMENT ACTION PLAN ACT
(SUPPORTING SURVIVORS
AND CHALLENGING SEXUAL VIOLENCE
AND HARASSMENT), 2016LOI DE 2016 SUR LE PLAN D'ACTION
CONTRE LA VIOLENCE
ET LE HARCÈLEMENT SEXUELS
(EN SOUTIEN AUX SURVIVANTS
ET EN OPPOSITION À LA VIOLENCE
ET AU HARCÈLEMENT SEXUELS)

Consideration of the following bill:

Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters / Projet de loi 132, Loi modifiant diverses lois en ce qui concerne la violence sexuelle, le harcèlement sexuel, la violence familiale et des questions connexes.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We have a member from each of the parties present. Thank you so much.

As everyone knows, we're here for clause-by-clause consideration of Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters.

When it comes to the amendments, there is normally a proposal that consecutive sections with no amendments be grouped together. I personally feel that it can be confusing when you group them together, and I think it's important to vote separately, but if the committee would like to group them together when there are no amendments, that's something we can do. Is that what the committee would like to do, or would you like to vote on them as separate sections? Yes, Ms. Vernile?

Ms. Daiene Vernile: I think that makes good sense and it's a good use of our time, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Sure. Any disagreement, or is that a consensus? Everyone okay with that? Yes. Okay. If anyone has an issue with it, the normal convention is to go section by section. I have no issue doing that. I personally think it's better to go section by section, but the convention is that folks in committee have been suggesting to do it grouping together.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Right. Perhaps, if there's no clear will of the committee, when we get to those components, we can address it then.

Bill 132 consists of three sections and six schedules. Because the substance of the bill is in the schedules, I suggest we postpone consideration of the three sections and deal with the schedules first. What I mean by that is, if you look at the beginning of the bill, it refers to the various sections of the bill. Because those components may change, it might make sense to come back to those at the end in case there are changes—I'll just draw your attention to Bill 132. At the bottom, it says, "Contents of this act." Section 2 says, "Subject to subsections (2) and (3), this act comes into force on the day it receives royal assent." Subsections (2) and (3) might change, though. If that's something that makes sense, does everyone agree? Or is it not clear?

Ms. Laurie Scott: Just do it one more time.

The Vice-Chair (Mr. Jagmeet Singh): Sure. The way it's written—I'll just read what's written, and then I'll explain it again.

Because the substance of the bill is in the schedules, I suggest we postpone consideration of the three sections and deal with the schedules first. What I mean by that is, there's schedule 1, and if you flip through, there are other schedules—schedule 2. Instead of dealing with the sections, we deal with those schedules, then come back to the sections.

Does that make sense? Is that fine? It's just kind of a housekeeping issue.

Ms. Sylvia Jones: Yes, sure.

The Vice-Chair (Mr. Jagmeet Singh): So does everyone agree with proceeding in that manner?

Ms. Daiene Vernile: If you could give us lots of good explanation with each motion and each schedule.

The Vice-Chair (Mr. Jagmeet Singh): Sure.

Ms. Laurie Scott: I think it will be okay.

The Vice-Chair (Mr. Jagmeet Singh): Sounds good. We have tentative unanimous consent. Excellent.

Are there any general comments that anyone would like to put on the record before we begin with the amendments? Seeing none, let us proceed to the motions.

Beginning with schedule 1, section 1, we have PC motion 1. I'd ask for a representative from the PC side. Ms. Scott?

Ms. Laurie Scott: Thank you. I—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I'm just going to put it out there: There is some concern that this might be out of order.

Ms. Laurie Scott: So would you like me to read it first?

The Vice-Chair (Mr. Jagmeet Singh): What I would like to do, just because there's going to be this notion that if you read it out, then you won't be able to explain it, and I don't really like that myself. I'd like for you to be able to explain why it's important. I want you to have an opportunity to explain that.

Perhaps you can just quickly explain why you want this motion in and then move it. It's not normally the way things are done, but why not do things a little bit differently? I think it's an important issue, so please explain briefly why you want to do it and then move it.

Ms. Laurie Scott: Okay, in schedule 1, it was the Compensation for Victims of Crime Act, and my intent—without reading it in, right? It's just my general intent and why I want it changed?

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Ms. Laurie Scott: I wanted it to include adding “a crime of human trafficking” after “a crime of sexual violence or of violence that occurred within a relationship...” So adding “human trafficking” so that they would be included in compensation for victims of crime; that was the intent of my motion, without reading the motion.

The Vice-Chair (Mr. Jagmeet Singh): Sure. Now, please read the motion.

Ms. Laurie Scott: I move that subsection 6(2) of the Compensation for Victims of Crime Act, as set out in section 1 of schedule 1 to the bill, be amended by adding “or a crime of human trafficking” after “a crime of sexual violence or of violence that occurred within a relationship of intimacy or dependency”.

I have brought in several motions on anti-human trafficking, legislation that I would like to see brought forward and action taken on. This was a part of Bill 132 that I felt we could start, get the government to act by putting victims of human trafficking into the compensation act.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for moving that, Ms. Scott. I guess folks might want to have comments on it. In fairness, maybe people can—if I make a ruling on this, then you won't technically be able to, so maybe you want to just—do you have a brief comment that you would like to make on it?

The issue is—and I'll just say it briefly—if we have unanimous consent, it can be considered, but technically, based on the way the act is worded—Bill 132—it's specifically tailored to sexual violence and sexual harassment. Because the language and the definition of “human trafficking” isn't limited to sexual violence, it's something, broadly speaking—human trafficking occurs in a broad sense as well. The term is not technically within the scope of the bill.

I would rule it out of order because of that, reluctantly. I think it is an important issue, but if we're being very technical with the language, because “human trafficking” is so broad, it doesn't fit within the narrow definition of what Bill 132 is about, though I very much understand your concerns. So if I could do that as respectfully as possible.

Before I make a ruling, did anyone want to add something? I'm being very lenient with the rules on this, but—

Ms. Sylvia Jones: And I appreciate that, Chair. I think what my colleague is doing—and, quite frankly, what we've had a number of debates on in the legislative chamber—is the prevalence and ever-widening scale of human trafficking across Ontario. While I acknowledge that it isn't specifically mentioned in Bill 132, I think the intent was that we know it's a problem that's growing exponentially, and we're just trying to get ahead of the game, because right now we're way behind.

1410

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Unless there is a request to ask for unanimous consent to allow this amendment, I'll make my ruling now.

Ms. Laurie Scott: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Ms. Scott?

Ms. Laurie Scott: Can I ask for unanimous consent? Or maybe not?

The Vice-Chair (Mr. Jagmeet Singh): Oh, right. My apologies. I've messed up. I have to first rule, and then you can ask for unanimous consent. Let me just make the ruling, then.

I rule that, while it's an important issue, I apologize: It's not within the narrow definition of Bill 132, so I rule it out of order.

Ms. Scott?

Ms. Laurie Scott: Could I ask for unanimous consent that this amendment be brought into the committee?

The Vice-Chair (Mr. Jagmeet Singh): You most certainly can ask for that. Unanimous consent is being sought to allow this amendment to be brought forward, despite the ruling that it is out of order.

Ms. Sylvia Jones: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): For unanimous consent, it's not recorded; it's just unanimous consent or not.

Do we have unanimous consent on this? I have heard a no. We don't have unanimous consent on this.

The next motion, motion number 2, is an NDP motion. I call on Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 6(2) of the Compensation for Victims of Crime Act, as set out in section 1 of schedule 1 to the bill, be amended by adding “regardless of the victim's immigration status in Canada and” after “may be made at any time”.

The Vice-Chair (Mr. Jagmeet Singh): Would you like to provide some comments with respect to this amendment?

Ms. Peggy Sattler: Yes. We heard from representatives of violence-against-women organizations who work with immigrant and newcomer women that immigrant and newcomer women may not be aware of their rights under the Compensation for Victims of Crime Act, and that, even if the act does apply to them, without explicit reference to immigration status, they may not be aware that they have this ability to seek civil redress. I felt that it was important to be explicit about that in the legislation.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? I see Ms. Jones, and then I see Ms. Malhi.

Ms. Sylvia Jones: I'm happy to support this motion by my NDP colleague. If the violence, assault or harassment occurred on Ontario soil, then we have a duty to protect, so I'm happy to support it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi?

Ms. Harinder Malhi: I don't think we can support this, because referring to the immigration status and limitation period section of the CVCA would just create confusion. There's really no referral to immigration status throughout any of the legislation, so I don't think there's an actual need for it.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Yes, Ms. Vernile?

Ms. Daiene Vernile: I would further add that compensation now is already available to all victims of violent crimes in Ontario. Therefore, I would humbly submit that this provision really isn't necessary. The law right now isn't limited to your basis of immigration. All victims of violent crimes in Ontario are guaranteed access to representation.

The Vice-Chair (Mr. Jagmeet Singh): I see Ms. Sattler.

Ms. Peggy Sattler: We did hear from the organizations who work with women who have experienced sexual or domestic violence that immigrant and newcomer women are not aware of their rights under Ontario's legislation, so I did feel that it was important to include this in the bill.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Mrs. Mangat.

Mrs. Amrit Mangat: The inclusion of this issue of human trafficking is outside the scope of our Action Plan to Stop Sexual Violence and Harassment. It will be considered in our government's upcoming human trafficking strategy. I don't think we are going to support it.

The Vice-Chair (Mr. Jagmeet Singh): We're not referring to that motion. This is motion number 2. Perhaps you're on motion number 1? This one does not—

Mrs. Amrit Mangat: The NDP motion.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): So this doesn't have any reference to human trafficking. This is motion number 2.

Mrs. Amrit Mangat: Okay. I draw it back.

The Vice-Chair (Mr. Jagmeet Singh): Oh, no problem. Any further debate? Yes, Ms. Sattler?

Ms. Peggy Sattler: Can I have a recorded vote when we move to voting on—

The Vice-Chair (Mr. Jagmeet Singh): Absolutely. You can always have a recorded vote for any vote. Yes, absolutely. So please note: a recorded vote.

And just to ensure, one more time: Any further debate? No further debate. Okay. Shall the motion carry? A recorded vote.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion number 3: It's a PC motion. So what I'll do in this case to make it more appropriate is that I'll first ask you to move the motion, and before I make a ruling on whether or not it is within the scope of the bill, I would ask for anyone who wants to make comments to make comments, and then I'll make a ruling. Ms. Scott.

Ms. Laurie Scott: I'm going to read first?

The Vice-Chair (Mr. Jagmeet Singh): Yes, please.

Ms. Laurie Scott: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“Interpretation—crime of human trafficking

“(4) In this section, a person commits a crime of human trafficking when,

“(a) he or she,

“(i) abducts, recruits, transports or harbours a person, or

“(ii) exercises control, direction or influence over the movements of a person; and

“(b) he or she uses force, the threat of force, fraud, deception, intimidation, the abuse of power or a position of trust or the repeated provision of a controlled substance, in order to cause, compel or induce that person,

“(i) to become involved in prostitution or any other form of sexual exploitation,

“(ii) to provide forced labour or services, or

“(iii) to have an organ or tissue removed.”

The Vice-Chair (Mr. Jagmeet Singh): Before I make a ruling on this, if there's any comments with respect to this motion? I would first recognize Ms. Scott.

Ms. Laurie Scott: What we are doing is basically defining human trafficking and hoping that that could be included in the bill. As we have said many times before, it's one of the largest growing crimes in Ontario, and also nationally. This issue needs to be addressed sooner rather than later. By putting the definition in and adding it, hopefully, to the Compensation for Victims of Crimes Act, we would be able to at least, in some small part here

today, start to address the severity of the human trafficking issue.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or any further comments? Yes, Ms. Malhi.

Ms. Harinder Malhi: Although we understand the importance of human trafficking, and we are already thinking about it, I think again it's out of the scope of the sexual violence and harassment bill that we're looking at right now. That's why we would rather address it in the upcoming human trafficking strategy that the government is looking at.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any further comments? Ms. Jones?

Ms. Sylvia Jones: On that issue, I will accept the fact that you want to hive off and deal with human trafficking separately, although I will reiterate that it's a growing crime that we can't sit on. Can you, as the parliamentary assistant, give us some kind of timeline as to when this is expected? Because I see an opportunity here today with Bill 132 to incorporate some of the human trafficking aspects, and I would hate to think that we missed this window.

The Vice-Chair (Mr. Jagmeet Singh): In fairness, I think the government should be able to respond, but what I'm going to just point out is that I'm actually being—some other Chairs would not even allow this at all, not allow any comments. I don't like that. I think it's very rude when people cut off debate so much like that. But the comments should be focused on just the bill itself as opposed to—as much as I support you asking the government when they are going to do things, that's probably more appropriate for question period. But in fairness, I think the government should be able to respond to that concern. If there's any specifically on this motion, then we can entertain those and then I'll move to my ruling.

Ms. Malhi.

Ms. Harinder Malhi: We are hopefully looking at June right now. That's the timeline that we've set. So we should have something going for—to be a review in June.

1420

The Vice-Chair (Mr. Jagmeet Singh): That's great. Committees are providing an opportunity to learn interesting things about government policy. That's great. Thank you for that.

At this point, based on the parameters that are set out by the bill, I rule that this amendment falls outside of that scope and, therefore, I rule the amendment out of order. We can move on to the next motion.

We are now in a position to address section 1 of schedule 1. The question I will put to you is: Shall section 1, schedule 1 carry? First of all, would anyone like a recorded vote on this or not? I don't see that. The question is, again: Shall section 1 of schedule 1 carry? It is carried.

Now we're in a position to vote on schedule 1, section 2. Shall schedule 1, section 2 carry? Carried.

Now we're in a position to vote on schedule 1. Shall schedule 1 carry? Carried.

Schedule 2, section 1: There are no amendments. Shall schedule 2, section 1 carry? Carried.

Schedule 2, section 2 also has no amendments. Shall schedule 2, section 2 carry? Also carried.

Again, schedule 2, section 3 has no amendments. Shall schedule 2, section 3 carry? Carried.

Now we're on to schedule 2, section 4, and we have a number of amendments. That is amendment number 4. I recognize Ms. Sattler.

Ms. Peggy Sattler: I withdraw, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Motion number 4 is withdrawn.

Now we are on government motion number 5. Ms. Malhi?

Ms. Harinder Malhi: I move that clause 16(1)(h.1) of the Limitations Act, 2002, as set out in subsection 4(1) of schedule 2 to the bill, be amended by striking out "a person who committed, contributed to, consented to or acquiesced in the misconduct" in the portion before subclause (i) and substituting "the person who committed the misconduct".

The Vice-Chair (Mr. Jagmeet Singh): Would you like to provide any explanations or any comments?

Ms. Harinder Malhi: The proposed motion seeks to address the concern of the Ontario Trial Lawyers Association that there be clarification that the no-limitation period rule would apply to the claims against institutional defendants.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Any debate on this amendment? Seeing none, I'll ask for the vote. Shall the motion carry? All those in favour? All those opposed? The motion is carried.

Next motion, government motion number 6: Ms. Malhi?

Ms. Harinder Malhi: I move that clause 16(1)(h.2) of the Limitations Act, 2002, as set out in subsection 4(1) of schedule 2 to the bill, be amended by striking out "a person who contributed to"—actually, no; sorry, give me one second—in the portion before subclause (i) and substituting "the person who committed the assault".

The Vice-Chair (Mr. Jagmeet Singh): Sorry. Whenever you're ready, would you just be able to start again? Because I lost which—

Ms. Harinder Malhi: There we go. Sorry about that.

I move that clause 16(1)(h.2) of the Limitations Act, 2002, as set out in subsection 4(1) of schedule 2 to the bill, be amended by striking out "a person who committed, contributed to, consented to ... in the assault" in the portion before subclause (i) and substituting "the person who committed the assault"—sorry, "acquiesced in the assault" in the portion before subclause (i) and substituting "the person who committed the assault".

The Vice-Chair (Mr. Jagmeet Singh): The only thing that is somewhat unclear is that the component "or acquiesced in the assault," was not read out.

Ms. Harinder Malhi: No, I did—"acquiesced in the assault" in the portion before subclause (i) and "substituting the person who committed the assault".

The Vice-Chair (Mr. Jagmeet Singh): Thank you. Technically you have to read exactly what the motion says; otherwise, then we get into confusion about whether it's the same motion we're voting on or not.

Any debate or explanation with respect to this motion?

Ms. Harinder Malhi: Again, it would address the Ontario Trial Lawyers Association, in that there would be clarification that the no-limitation-period rule would apply to claims against institutional defendants.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate with respect to this motion? Okay.

Shall the motion carry? All those in favour? All those opposed? The motion carries.

Now we have motion 7. Ms. Scott?

Ms. Laurie Scott: I move that subsection 4(1) of schedule 2 to the bill be amended by adding the following clause:

“(h.3) a proceeding based on an act of human trafficking;”

Again, Chair, I bring up the fact that human trafficking should be included, and also, in respect to the limitation period, that survivors of sexual violence or of violence certainly do include human trafficking. I beg your indulgence with that motion again.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Scott. We've had some good debate on this issue, so I'll just move right to the ruling: Though, again, it's an important issue, it does fall outside of the narrow parameters set out by this bill, so I rule it out of order and we'll move on to the next motion.

Motion 8 is an NDP motion—

Ms. Peggy Sattler: Withdraw, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Withdrawn.

Moving to motion number 9—is that Ms. Scott?

Ms. Laurie Scott: I move that subsection 16(1.1) of the Limitations Act, 2002, as set out in subsection 4(2) of schedule 2 to the bill, be amended by striking out “Clauses (1)(h), (h.1) and (h.2)” at the beginning and substituting “Clauses (1)(h), (h.1), (h.2) and (h.3)”.

The Vice-Chair (Mr. Jagmeet Singh): Because this one refers to a previous motion that needed to have carried and was contingent on that, I would rule it out of order.

Ms. Laurie Scott: Again, in respect to human trafficking, if anyone's listening, to understand what we're saying—it's for the inclusion of human trafficking, which I can't seem to get included, but thank you.

The Vice-Chair (Mr. Jagmeet Singh): Moving on to motion number 10, a government motion. Ms. Malhi?

Ms. Harinder Malhi: I move that subsection 4(2) of schedule 2 to the bill be amended by adding the following subsection:

“Same

“(1.3) For greater certainty, clauses (1)(h), (h.1) and (h.2) are not limited in any way with respect to the claims that may be made in the proceeding in relation to the applicable act, which may include claims for negligence, for breach of fiduciary or any other duty or for vicarious liability.”

Again, with this motion we are addressing some of the concerns brought forward by the Ontario Trial Lawyers Association, so that there will be clarification that the no-limitation-period rule would apply to claims against institutional defendants.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, we can move to a vote. Shall the motion carry? All those in favour? All those opposed? The motion carries.

Now we're moving to motion 11. Ms. Scott?

Ms. Laurie Scott: I move that section 4 of schedule 2 to the bill be amended by adding the following subsection:

“(3) Section 16 of the act is amended by adding the following subsection:

““Interpretation—act of human trafficking

“(5) In this section, a person engages in an act of human trafficking when,

“(a) he or she,

“(i) abducts, recruits, transports or harbours a person, or

“(ii) exercises control, direction or influence over the movements of a person; and

“(b) he or she uses force, the threat of force, fraud, deception, intimidation, the abuse of power or a position of trust or the repeated provision of a controlled substance, in order to cause, compel or induce that person,

“(i) to become involved in prostitution or any other form of sexual exploitation,

“(ii) to provide forced labour or services, or

“(iii) to have an organ or tissue removed.””

1430

Again, this is the definition of human trafficking that is sexual violence against women. I appreciate that the government has said that, in June, they want to bring forward a plan. I'd just point out that there was nothing in the budget for funding to fight human trafficking.

The Vice-Chair (Mr. Jagmeet Singh): Thank you for your comments. Again, because of the limitation of the parameters of Bill 132, I rule that this motion is out of order, and we move to the next motion.

We're in a position to vote on schedule 2, section 4. Shall schedule 2, section 4, carry?

Interjection: As amended.

The Vice-Chair (Mr. Jagmeet Singh): Oh, sorry. As amended. Thank you.

Let me say that again, just to be very clear for the record: Shall schedule 2, section 4, as amended, carry? Carried.

Now we are moving to schedule 2, section 5. We have PC motion 12.

Ms. Laurie Scott: I move that subsection 24(2.1) of the Limitations Act, 2002, as set out in subsection 5(2) of schedule 2 to the bill, be amended by striking out “clause 16(1)(h), (h.1) or (h.2)” and substituting “clause 16(1)(h), (h.1), (h.2) or (h.3)” —again, related to human trafficking definitions.

The Vice-Chair (Mr. Jagmeet Singh): This amendment is dependent on a previous amendment that did not pass. As a consequence, I rule the amendment out of order because it would create an inconsistency in terms of language or reference. But thank you very much.

We're in a position now to vote on schedule 2, section 5. Shall schedule 2, section 5, carry? Carried.

Moving to schedule 2, section 6: Shall schedule 2, section 6, carry? Carried.

Shall schedule 2, as amended, carry? Carried.

Now we are moving on to schedule 3, section 1. We have our first motion, which is a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that the definition of "sexual violence" in subsection 17(1) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding "gender identity or gender expression" after "targeting a person's sexuality".

The Vice-Chair (Mr. Jagmeet Singh): Any comments?

Ms. Sylvia Jones: It was a comment that was brought forward to the committee in Peterborough, and it, quite frankly, made sense.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments or debate? Ms. Malhi.

Ms. Harinder Malhi: We're happy to support it and want to thank you for bringing it forward.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Any further comments?

Seeing none, are members ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Shall the motion carry? All those in favour? Everyone is in favour. All those opposed? No one is opposed. The motion is carried.

The next motion is motion 14, an NDP motion. I recognize Ms. Sattler.

Ms. Peggy Sattler: I move that the definition of "sexual violence" in subsection 17(1) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be struck out and the following substituted:

"'sexual violence' means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, sexual solicitation and verbal or non-verbal conduct of a sexual nature, and may include an act that occurs online or in the context of a domestic or intimate partner relationship."

The Vice-Chair (Mr. Jagmeet Singh): Any comments with respect to the motion?

Ms. Peggy Sattler: Yes. This revised definition includes the reference to gender identity and gender expression that we passed in the previous motion, which is important. But it also broadens the definition of what constitutes sexual violence by adding in sexual solicita-

tion, verbal or non-verbal conduct of a sexual nature. This was something that was recommended to us by people who appeared before the committee.

The final part of this amended definition talks about acts that occur online. We know that there is a lot of sexual violence that occurs through cyberbullying, cyberattacks and cyber abuse.

Finally, it references the context of a domestic or intimate partner relationship. There was a report of the Domestic Violence Death Review Committee that recommended that colleges and universities address the fact that much sexual violence occurs within a dating or intimate partner relationship, and it's important that students at post-secondary campuses understand that the violence that can occur when they are in a dating relationship or have a boyfriend of some length of time is also encompassed by the amendments to this act.

The Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Malhi.

Ms. Harinder Malhi: We really aren't ready to support this because the existing definition is already broad enough to include acts committed online or by an intimate partner. The proposed motion unnecessarily includes additional language which may inadvertently narrow the interpretation of the actual definition. The additional language cites verbal or non-verbal conduct of a sexual nature as an example of a non-consensual sexual act. It would be inaccurate to state that, by definition, sexual conduct is non-consensual.

We already have the definition there, and to broaden it even more—we don't think that it's not covered as is. Everything that you're talking about is covered in the current definition. We feel that acts committed online or by intimate partners are included in the current definition. That's why we really wouldn't be able to support it right now.

The Chair (Mr. Jagmeet Singh): Any additional comments? Seeing none, we are now in a position to vote. Are the members ready to vote?

Ms. Peggy Sattler: Can I have a recorded vote, please?

Mr. Jagmeet Singh: Yes, you can request a recorded vote. So a recorded vote, please: Shall the motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Malhi, Mangat, Vernile.

The Chair (Mr. Jagmeet Singh): The motion is lost. Moving to motion 15: Ms. Malhi.

Ms. Harinder Malhi: I move that clause 17(3)(a) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out "specifically and solely" at the beginning.

The Chair (Mr. Jagmeet Singh): Thank you. Any comments? No. Okay. Any further debate? Seeing none, are the members ready to vote? Hearing no response, I'm going to repeat that again: Are the members ready to vote?

Ms. Daiene Vernile: We sure are.

The Chair (Mr. Jagmeet Singh): Okay, that's great. That's a response. I can live with that.

Shall the motion carry? All those in favour? It looks like, more or less, people are saying it's going to carry. All those opposed? No one is opposed. The motion is carried.

The Chair (Mr. Jagmeet Singh): Motion 16.

Ms. Laurie Scott: We'll withdraw.

The Chair (Mr. Jagmeet Singh): Motion 16 is withdrawn. Thank you, Ms. Scott.

Motion 17, an NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 17(3) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be struck out and the following substituted:

"Sexual violence policy

"(3) Every college or university described in subsection (2) shall have a sexual violence policy that,

"(a) specifically addresses sexual violence involving students enrolled at the college or university, as well as faculty, staff, volunteers, visitors and other members of the campus community;

"(b) sets out the process for how the college or university will respond to and address incidents and complaints of sexual violence, and includes the elements specified in the regulations relating to the process;

"(c) sets out the process for formal reports of sexual violence to be made to the college or university, and provides options and resources for confidential disclosure without a formal report;

"(d) addresses any other topics and includes any other elements required by the regulations; and

"(e) otherwise complies with the requirements set out in the regulations."

1440

The Vice-Chair (Mr. Jagmeet Singh): Any comments or debate? Ms. Sattler.

Ms. Peggy Sattler: Yes. We heard extensive input from people who are involved in the post-secondary sector—students, faculty and staff—that there is a need for the sexual violence policy to address more than just students but be inclusive of the broader campus community. This amendment is an effort to acknowledge the fact that the policy has to be applicable to anyone who is on a post-secondary campus.

The input we received also repeatedly talked about the difference between formal reports to an institution, which the student expects the institution to follow up on, compared to a confidential disclosure of an experience of sexual violence, where you would have to respect the student's wishes on how that confidential disclosure would be followed up.

Oftentimes the student or faculty or whoever experiences sexual violence may not expect any kind of action to be taken but just needs to disclose, so that they can be supported with services on campus. It's very important—this was reinforced many times during the public input—to have that clear distinction between formal reports and confidential disclosures.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Malhi, and Ms. Jones after that.

Ms. Harinder Malhi: I can't really say that we support that, because we really want to focus specifically on students. We agreed that students are a specifically vulnerable group, and that's why this is there to support them—we want to focus on them. Some of the concerns you talk about that came up in public hearings were addressed in motion 15, where the entire campus community should be included under the policy by providing universities and colleges with the flexibility to expand their scope so that they are able to include the campus community if they feel it is appropriate. But we really think that with students being such a vulnerable group, and with our commitment made to students during It's Never Okay, that we take this as a policy putting students first and focusing on students.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Jones, and then Ms. Sattler.

Ms. Sylvia Jones: I'm happy to support this motion. I think it clarifies the expectations we are trying to achieve with this policy. Quite frankly, I'm a little concerned that, with the government not supporting it, we are running into a situation where we will have different levels and types of protection on our college and university campuses, so I'm disappointed that we are not clarifying it for everyone who is involved.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Sattler.

Ms. Peggy Sattler: I understand the government's rationale for saying that their previous motion that removes "specifically and solely," which we have passed already, allows an institution to encompass the broader campus community. However, the explanation that the government provided does not address in any way the concern about formal reports versus confidential disclosures. We heard over and over again that the way the legislation is currently written does not provide room for confidential disclosures. It assumes that all of these incidents are going to be tracked and recorded by the institution, and that may be contrary to the wishes of people who have experienced sexual violence on campuses. We have to respect how a survivor wants to have their experience addressed by the institution.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi.

Ms. Harinder Malhi: The government intends to address in an anticipated regulation that the survivor does not have to formally report an incident to their college or university in order to access supports or accommodations. There will be an option available for people to continue to access the supports or accommodations that are available.

We still feel that this policy itself should be student-focused.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any additional debate?

Ms. Peggy Sattler: Could I have a recorded vote, Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, absolutely. Recorded vote noted. We are now in a position to vote. Are the members ready to vote? Looks like we are.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to PC motion number 18: Ms. Scott.

Ms. Laurie Scott: I move that subsection 17(4) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “student input” and substituting “input from students, faculty and staff and from local community sexual assault centres”.

We’ve written it because a lot of stakeholders expressed concern that it only required student input. We feel that a lot of the expertise, if I can use that word, for sexual assault centres and victims’ services is from the local community and sexual assault centres. It’s trying to be assistive with expertise and providing input.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Scott. Any additional comments or debate? Ms. Malhi.

Ms. Harinder Malhi: We really feel, like in the previous motion, that this should be student-focused, and the input that we are looking for is from students so we can cater it to their concerns and address the concern that students themselves are facing.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Jones?

Ms. Sylvia Jones: I don’t read, in any way, that this motion takes away the student input and involvement. I think, in fact, it’s allowing them to call on the expertise that’s in their community and in the field. By its extension and expansion, it’s actually assisting.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Any additional comments? Ms. Vernile.

Ms. Daiene Vernile: The bill, as it stands now: The requirements show that—people are not being prevented from coming forward. Colleges and universities would be able to consult further from their campuses with experts in their community, if they wish to, on the issue of sexual assault.

So there’s nothing there within the bill now, as proposed, that would prevent post-secondary institutions from looking for added input.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Yes, Mrs. Mangat?

Mrs. Amrit Mangat: I think that government motion 15 addresses the concern that we have heard during the public hearings: that the entire campus community should be included under the policy by providing universities and colleges with the flexibility to expand the scope of their policy, if appropriate.

So we wouldn’t support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mrs. Mangat. Any additional comments or debate? Seeing none, are the members ready to vote? Yes, it looks like it.

Shall the motion carry? All those in favour? All those opposed? The motion is lost.

Moving to NDP motion number 19: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 17(4) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be struck out and the following substituted:

“Input

“(4) A college or university described in subsection (2) shall ensure that input from the following persons and entities is incorporated, in accordance with any regulations, in the development of its sexual violence policy and every time the policy is reviewed or amended:

“1. Student survivors and diverse members of the student community.

“2. Faculty and staff.

“3. Relevant organizations in the community in which the college or university is located, in particular sexual assault centres, rape crisis centres, domestic violence treatment centres, sexual assault treatment centres and similar entities.”

1450

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Any additional comments or debate? Ms. Sattler?

Ms. Peggy Sattler: Yes. This motion goes a little bit further than the previous motion that we just discussed, that was brought forward by the PCs. It strengthens the language in that current section of the bill.

Currently, the bill refers to student input being considered. This changes the language to say that the input has to be incorporated, and also, that input has to be sought broadly, in particular from student survivors. This was something we heard during the public input, that the institutions should be required to reach out, to engage diverse members of the student community and students who had experienced sexual violence themselves.

This motion also talks about soliciting input from faculty and staff and those organizations in the community that have expertise in dealing with sexual violence, such as rape crisis centres, shelters and sexual assault centres etc. This was something we heard not just in the public input on Bill 132 but also in the Select Committee on Sexual Violence and Harassment. There is a lot of expertise that exists in the community. Oftentimes a student on a post-secondary campus may not use any of the campus services that are available; they may go straight to the community. So the community may have a

lot of information about students' experience of sexual violence that would be useful for the campus policy.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Malhi.

Ms. Harinder Malhi: As we discussed in the previous motion, we do feel that student focus is definitely important. We feel that the current legislation does entail that students, whether from diverse groups or from different experiences, come forward and share their experiences and help inform the policy.

Again, the university or the colleges—in the legislation, nowhere does it say that they wouldn't be able to seek other input, so they're free to do that.

We won't be supporting any changes to the legislation—well, this motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Ms. Jones?

Ms. Sylvia Jones: In the same way that legislation is improved when we seek outside experts and have public consultation, I see no reason why the same concept cannot happen. Therefore, I'm pleased to support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Sattler.

Ms. Peggy Sattler: Can I have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Yes, recorded vote. Please note the recorded vote. Any final debate or discussion? Seeing none, are the members ready to vote?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

NDP motion 20: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 17(5) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out "three years" and substituting "two years".

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Sattler.

Ms. Peggy Sattler: This motion honours the input that was provided to us by many of the student organizations that appeared before the committee. There is a concern, particularly at the college level, where a number of college programs are only one, two or three years in length, that a review of every three years is not frequent enough. The recommendation had been made to have a review every two years instead, and I think that makes good sense.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Malhi.

Ms. Harinder Malhi: Right now, I think that the three-year is something that we would like to continue because, again, nowhere does it state that colleges and universities can't more frequently visit their actual plans if they feel that it is needed.

We think that a three-year time frame gives time for the policy to be tested, to see how it's working out. It also covers the four-year span that a student may be in the post-secondary institution. We think that the three-year is there to ensure that it is being done every three years, but colleges and universities could go back every two years.

We don't necessarily want to add an administrative burden by asking that it be two years for sure. We would leave it up to the schools at that point, if they felt that it was needed earlier.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Jones.

Ms. Sylvia Jones: With the greatest of respect, if you're leaving it up to the schools to make the decision whether they do it three years or two years, then why do we have any number in the legislation? Clearly, Bill 132 is trying to make some very specific legislative parameters to colleges and universities, so to suggest that just because three years is in the bill, colleges and universities are going to do it more often than that—they're not because, by legislation, you've got it for two. It's a false argument.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Vernile?

Ms. Daiene Vernile: In consultation with TCU, the sage advice that we are getting is that within a three-year period there is time to actually have this policy function in the real world; whereas with two years, you're going to be constantly under review. So in practical terms, three years makes more sense. We'll actually get to see this in place and flesh it out and see if it's working and then subject it to review after that period.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Any additional comments?

Ms. Peggy Sattler: Recorded vote, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Yes, recorded vote. Are the members ready to vote?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 21. It's a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that section 17 of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding the following subsection:

"Exchange of ideas, best practices

“(5.1) The ministry shall facilitate the exchange among the colleges and universities described in sub-section (2) of ideas and best practices respecting responding to and preventing sexual violence.”

The intent of this amendment is obviously to ensure that the best practices that are occurring in some of our post-secondary institutions are shared and made available to all.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Any additional comments? Ms. Vernile?

Ms. Daiene Vernile: Chair, I'd like to add that if you are willing to alter the motion to the ministry “may” facilitate, as opposed to “shall,” we could see ourselves supporting it. But if you are going to be submitting it as is—the ministry “shall”—we will not be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Just give me one brief indulgence.

Ms. Jones, please continue.

Ms. Sylvia Jones: What I'm hearing is that you would like to remove the word “shall” and put in the word “may.” Can I have some explanation as to why?

Ms. Daiene Vernile: I believe this gives us greater flexibility to work with that, as opposed to it being so prescriptive.

Ms. Sylvia Jones: That's true, but “may” is also a wiggle word and, from a legal standpoint, it leads to more confusion, where “shall” is, to your point, prescriptive. I'd like to keep it as “shall.”

The Vice-Chair (Mr. Jagmeet Singh): Okay, Ms. Jones. Any additional comments? Yes, Ms. Sattler?

Ms. Peggy Sattler: I think that this amendment is important and I'm happy to support it. I know that we heard from a number of post-secondary institutions that are of various sizes and have different kinds of student bodies. Some kind of process to facilitate the exchange of best practices between institutions would be important so that it's not going to be one size fits all. There has to be a way that small institutions can learn from other small institutions. Rural and northern universities may be interested in learning what's working well in other remote post-secondary institutions. I think this is important and I'm pleased to support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Ms. Vernile?

Ms. Daiene Vernile: I'd like to share too—and you may be aware of this—that TCU is going to be hosting a conference for post-secondary institutions in 2017, which is going to be looking at best practices. For that reason, we feel that it's not necessary to have this motion. We'll be sharing best practices in the future.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Jones?

Ms. Sylvia Jones: So the post-secondary institutions “may” attend or “shall” attend? It sort of speaks to my point.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we in a position to vote? Are the members ready to vote? Yes.

Ms. Daiene Vernile: Chair, if I may, may I ask for a five-minute recess?

The Vice-Chair (Mr. Jagmeet Singh): Yes, absolutely.

Ms. Daiene Vernile: Thank you kindly.

The Vice-Chair (Mr. Jagmeet Singh): Let me just clarify the procedure really quickly. Ms. Vernile, you can ask for a recess right before a vote, or are you just asking for some time to consider something? If you are asking for some time to consider something, technically I have to ask everyone's permission. If it's right before the vote, that's mandatory. You can get that no matter what.

Ms. Daiene Vernile: We're just looking for five minutes, if we could—

The Vice-Chair (Mr. Jagmeet Singh): Is everyone okay with five minutes?

Yes, we're okay with five minutes.

Ms. Daiene Vernile: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): I'm going to use my gavel now and take a five-minute recess.

The committee recessed from 1500 to 1511.

The Vice-Chair (Mr. Jagmeet Singh): The committee has resumed, but I understand there are more discussions going on. In the interest of respecting everyone's time, I think it might be a couple more minutes. Do we need a couple more minutes, maybe?

Ms. Laurie Scott: I think we're okay.

The Vice-Chair (Mr. Jagmeet Singh): We're okay? Okay. I guess we are. I didn't actually mean to rush you; I just wanted to make sure that if there was an additional five or 10 minutes we needed—

Ms. Laurie Scott: We were moving on to other things while we were waiting.

The Vice-Chair (Mr. Jagmeet Singh): We are ready to get back into action.

Motion 21 is on the table. We were discussing it. Is there any further debate on motion 21? Seeing none, are we in a position to vote? I'm going to assume that's a yes from the lack of response.

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Shall the motion carry? All those in favour? All those opposed? The motion is lost.

Moving to NDP motion 22: Ms. Sattler.

Ms. Peggy Sattler: I move that clause 17(6)(b) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out involving students enrolled”.

Should I just move right into the explanation?

The Vice-Chair (Mr. Jagmeet Singh): Yes. Please go ahead, Ms. Sattler.

Ms. Peggy Sattler: The rationale for this amendment is to ensure that the sexual violence policy can apply to the broader campus community and is not only limited to involving students enrolled at the institution.

We heard during the public input that there are, for example, students who are elected to student government. They are not technically students enrolled at the institution; they are employees of the institution. By limiting

this legislation to students enrolled means that they would be excluded from the protections of the sexual violence policy.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Additional comments? I see Ms. Jones and then I see Ms. Malhi.

Ms. Sylvia Jones: I totally support this motion. I can think of many examples of visiting students from other institutions and any number of individuals whom we have an opportunity to protect by making this amendment. I'm happy to support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Ms. Malhi.

Ms. Harinder Malhi: We won't be supporting this motion because we feel that the existing language in the bill reflects the public action plan's focus on students. The government recommends maintaining the student focus of the legislation and any subsequent regulations. We feel that we've discussed in the past that students are a vulnerable group and we're taking a student focus. The language does cover that.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional comments or debate? Yes, Ms. Vernile?

Ms. Daiene Vernile: I'd like to add too that our government motion 15 is already addressing this issue. There is no particular group that's excluded from being included in the action plan and in the bill.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Ms. Sattler.

Ms. Peggy Sattler: The current wording says that the government can implement any "regulations relating to sexual violence involving students enrolled at the college or university," so that does limit the extent of the regulations and other measures.

I also would like to request a recorded vote when we get to voting on this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Certainly. A recorded vote is noted.

Any additional debate on this motion? Seeing none, are we in a position to vote? Yes? Okay.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Next is PC motion 23. Who will be reading the motion? It looks like Ms. Scott.

Ms. Laurie Scott: I move that clause 17(6)(b) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding "faculty or staff of the college or university or

other persons visiting the college or university" at the end.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Any additional comments or debate? Ms. Scott.

Ms. Laurie Scott: Again, we're ensuring that not only students but the faculty and staff or others visiting the college or university are included in regard to the implementation of measures required relating to sexual violence at the college or university. So, again, we're trying to make it more all-encompassing.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Sattler?

Ms. Peggy Sattler: I'm happy to support this motion, given the defeat of my previous motion. I think that it is important that there be explicit reference in the legislation to the fact that the sexual violence policy should apply to the broader campus community and shouldn't only be limited to students enrolled. There could be students visiting from other campuses; there could be—like our student-elected student leaders, who are not technically enrolled at the institution and therefore are not covered by the institution's sexual violence policy, which is a real problem.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi?

Ms. Harinder Malhi: The government right now will not be supporting any amendments that reduce the bill's explicit and deliberate focus on students. We want to continue to focus on students from that campus. Other students would have the supports available to them, as we spoke about in earlier motions. So at this time, we won't be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Ms. Jones.

Ms. Sylvia Jones: While I appreciate that the government is clearly focused on protecting students, I must note, Chair, that Bill 132's title does not have the word "student" in it. What we are attempting to do with Bill 132 is strengthen a multiple number of statutes related to sexual violence, sexual harassment and domestic violence. I'm concerned that we are doing it by ignoring other groups.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional debate? Seeing none, the question is: Are we in the position to vote? Yes. The question now is being put. Shall the motion carry? All those in favour? All those opposed? The motion is lost.

We move to motion 24. Ms. Jones.

Ms. Sylvia Jones: I move that subsection 17(7) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out "from its students" in the portion before paragraph 1 and substituting "from its students, faculty and staff".

Again, in terms of explaining, it is an attempt to strengthen, not weaken, the legislation.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional debate or discussion? Ms. Sattler?

Ms. Peggy Sattler: I'm happy to support this motion because I think it is important that the legislation be clear that the sexual violence policy applies to the broader campus community.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Malhi?

Ms. Harinder Malhi: We will not be supporting this motion because each college and university has responsibility for its own labour relations and human resources. The Ministry of Training, Colleges and Universities has no authority with respect to a college or university's human resource issues. A requirement for institutions to report to the minister on incidents of sexual violence involving faculty or staff would be seen as conflicting with the institution's autonomy over human resource matters and collective bargaining rights.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Scott.

Ms. Laurie Scott: I think what we've been trying to say—I'll just use an example. A student from another university or college visits a friend at a separate college or university and is assaulted. We're saying that where the assault takes place, they cannot—

Ms. Sylvia Jones: Access any supports.

Ms. Laurie Scott: —access any supports or report. They have to go back to their university or their college that they actually are enrolled in and hope that they may get supports, even though that college or university might be apprehensive because it didn't happen on their college or university campus. So I put that out there. It's a real possibility that that person who has been assaulted basically falls through the cracks.

I don't know if the government can provide some clarification, but that's an incident that comes to mind for me that just may not be included. I don't think that is the intent of what we are doing in Bill 132.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Ms. Harinder Malhi: We talked, in some of the earlier motions, about—obviously, we don't want anybody to fall through the cracks in any way. We want the supports to be available. We said that we want to try to make the supports readily available for all students. Regardless of whether they're reporting or they're not reporting, we want to have those supports. Those are things that we've addressed in some of our earlier motions.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: I agree with my colleague. We don't want anybody to fall through the cracks. Also, government motion 15 already addresses that concern, so we will not be supporting that motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Any additional comments? Are we ready to vote? Yes?

Ms. Daiene Vernile: Chair, I was conferring with some colleagues right now. If you could just give me about two minutes to get some clarification.

The Vice-Chair (Mr. Jagmeet Singh): Sure. In this case, this is before the vote, so to allow for more debate

to happen, is everyone in agreement that we allow for—let's say five minutes? Okay. Let's do a recess for five minutes. No? Does it look like we don't need it? Maybe? Yes? I'm going to go with five minutes—yes.

The committee recessed from 1522 to 1526.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for that indulgence. We are ready to get back. Thank you very much, Ms. Vernile. Would you like to add any comments?

Ms. Daiene Vernile: Thank you, Chair. I do appreciate the time. I was seeking some detailed clarification from some policy experts with TCU.

If a student faces sexual violence or harassment while she's visiting another campus, of course she's going to seek out immediate health care, which she will not be refused. However, in terms of long-term support, if she's looking for counselling—he or she, I should say—or academic accommodations, of course that's going to happen on that person's home campus. So for that reason we don't support this particular recommendation.

Again, just to reiterate: Anyone seeking immediate health care can get it on any campus in Ontario. But in terms of long-term support, counselling and academic accommodation, that will happen at their campus.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Vernile.

Any additional comments or debate? No? Okay. Are we in a position to vote? Yes. Shall the motion carry? All those in favour?

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): I was going to say—that's all right. And all those opposed? You have to listen for the Chair, you know. All right. The motion is lost.

On to motion 25, a PC motion: Ms. Jones?

Ms. Sylvia Jones: I move that paragraph 1 of subsection 17(7) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding "faculty or staff of the college or university or other persons visiting the college or university" after "students enrolled at the college or university".

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Any comments or debate?

Ms. Sylvia Jones: Again, just reinforcing the fact that we're trying to protect everyone on a college campus, not a particular subset.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional debate? Ms. Malhi.

Ms. Harinder Malhi: Like in the past motions we've talked about, we really have a student focus. We feel that each college and university does have responsibility for its own labour relations and human resources. The Ministry of Training, Colleges and Universities has no authority with respect to the college or university's human resource issues. So we will not be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional debate or comments? Seeing none, are we in a position to vote now?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. That's great. I appreciate the response. Thank you.

Shall the motion carry? All those in favour? And all those opposed? Okay. The motion is lost.

Moving now to motion 25—26; sorry. Counting is sometimes an issue. Motion number 26, a PC motion: Ms. Scott.

Ms. Laurie Scott: I move that paragraph 2 of subsection 17(7) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding “faculty, staff and other persons visiting the college or university” after “students”.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Ms. Scott.

Ms. Laurie Scott: Again, going to the fact that we're trying to encompass the whole community of the campuses, be they faculty, support staff, campus visitors, student visitors etc. We're trying to be all-inclusive and get the big picture, the whole picture.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Scott. Any additional debate or comments? Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion, again because this portion of the legislation is student-focused for us, and we want to continue to maintain that focus.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Jones.

Ms. Sylvia Jones: I think it's important for committee members to be reminded of a court case that is very recent—within the last couple of months—where I believe she was a PhD student. If you oppose this amendment, you are not protecting that individual. So I struggle with why we are hiving off the students without protecting everybody else who works, learns, participates and is on post-secondary campuses.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Vernile.

Ms. Daiene Vernile: A PhD student is still a student. She's enrolled.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Any additional comments or debate? Seeing none, are we in a position to vote? Yes? Excellent. Shall the motion carry? All those in favour? All those opposed? The motion is lost.

PC motion 26.1: Ms. Scott.

Ms. Laurie Scott: I move that paragraph 3 of subsection 17(7) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding “faculty, staff and other persons visiting the college or university” after “the students”.

Again, this is requiring a larger campus community that is to be looked at to get a clear picture of the number of incidents and complaints of sexual violence reported by faculty and staff. I know the member had mentioned a PhD student. We have students who are working and also

are students, so I think we do have a grey area that may need some clarification in that respect also.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Scott, just a very minor technicality: You had said “the students,” and it's just “students.”

Ms. Laurie Scott: Would you like me to read it all again?

The Vice-Chair (Mr. Jagmeet Singh): No, that's okay. I just wanted to—

Ms. Laurie Scott: Just “students,” yes.

The Vice-Chair (Mr. Jagmeet Singh): Perfect. Thank you for that. Any additional debate, comments, questions, concerns, updates—Facebook or otherwise? Are the members now in a position to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Okay. The vote shall begin. Shall the motion carry? All those in favour? All those opposed? The motion is lost.

Motion 27 is an NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 17(7) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be struck out and the following substituted:

“Information for minister

“(7) Every college or university described in subsection (2) shall,

“(a) use an anonymous survey administered biannually by the minister to collect from its students and other persons, and provide to the minister such information and data as may be requested by the minister, in the manner and form directed by the minister, relating to,

“(i) perceptions of safety on campus and attitudes regarding sexual violence,

“(ii) experiences related to incidents of sexual violence at the college or university that are not disclosed or reported,

“(iii) experiences requesting and obtaining supports, services and accommodation relating to disclosure of sexual violence that are available at the college or university or in the community,

“(iv) awareness of any initiatives and programs established by the college or university to promote the supports and services available,

“(v) experiences reporting incidents and complaints of sexual violence to the college or university or other bodies, and

“(vi) the implementation and effectiveness of the policy; and

“(b) collect and provide to the minister biannually such data and other information as may be requested by the minister, in the manner and form directed by the minister, relating to the number of incidents and complaints of sexual violence formally reported to the college or university.”

Chair, we heard extensive input from organizations and individuals who appeared before the social policy committee with input into Bill 132 that the current section on information for the minister is problematic and that there needs to be a clear separation between formally

reporting incidents of sexual violence, where data on those formal reports can be collected—a separation between that and overall perceptions and experiences of sexual violence within the campus community.

So this motion requires an anonymous survey to be administered every two years, and it would collect data about perceptions, about experiences of sexual violence that a student or faculty or staff member may never have disclosed, experiences when they have confidentially shared an experience of sexual violence and accessed services, experiences when they have formally reported experiences of sexual violence, and also awareness of what kinds of supports exist at the institution.

The only formal data reporting requirement is around the number of formal reports to the institution. Currently, the language of the legislation requires data to be submitted to the ministry on the number of times that supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled. We heard that those supports and services and accommodation could exist in many, many places on a university campus, so it was going to be onerous, consolidating all that information. But there was also the question about how meaningful just the mere number of times that these services are accessed was. What would be much, much better and richer information would be student perceptions of the supports that were available at the institution.

If I could just add, Chair, I know that there is a government motion coming up, government motion 30, that also talks about a survey being implemented at the institution, but I'm very concerned because motion 30 talks about how the minister "may" conduct this survey. My motion says that this survey "shall" be implemented by the institution. Also, the government's motion doesn't give any kind of time frame for the implementation of the survey. It doesn't say whether it's going to be one time only or whether it's going to be a regular survey that is going to be conducted.

It's important that it be clear that it be conducted on a regular basis, because the first time the survey data is collected, it provides a baseline, and then subsequent surveys can reveal how the institution is doing with its sexual violence policy and whether student perceptions of the supports that are available on campus are improving or are perhaps not improving.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate?

Ms. Malhi, and then afterwards Ms. Jones.

1540

Ms. Harinder Malhi: We will not be supporting this motion because, as you did refer to the motion that we are bringing forward, the government's motion would address the strong stakeholder support for a campus climate survey as a method to measure the prevalence of sexual violence.

MTCU has already begun consultations with stakeholders, students, violence-against-women advocates, colleges and universities to inform the development of reporting requirements for post-secondary institutions.

This will ensure that the campus climate survey addresses the needs of survivors, students, institutions and others so that reporting requirements reflect the best practices. We'd be looking at other jurisdictions as well.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Ms. Jones?

Ms. Sylvia Jones: I am happy to support this. The reality is, you can't fix something if you don't know where the errors and omissions are. Particularly the fact that you are asking for a survey from "students and other persons," I think we would capture very quickly the individuals who interface and are part of the post-secondary campuses and find out whether they are in fact protected. So I'm happy to support this.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional debate or comments?

Ms. Peggy Sattler: Can I have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Yes, a recorded vote noted. Any additional comments or debate? No? Okay, are we in a position to vote? Excellent.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We're moving to PC motion 28: Ms. Scott?

Ms. Laurie Scott: Mr. Chair, I'd like to withdraw motion 28 and motion 29, actually, and follow up later on, in the appropriate spot, to put another motion in.

The Vice-Chair (Mr. Jagmeet Singh): Done. Motions 28 and 29 are both withdrawn.

Moving to government motion 30: Ms. Malhi?

Ms. Harinder Malhi: I move that section 17 of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding the following subsections:

"Survey

"(8.1) The minister may conduct, or may direct a college or university described in subsection (2) to conduct or participate in, a survey of students and other persons as identified by the minister, relating to the effectiveness of the college's or university's sexual violence policy, to the incidence of sexual violence at the college or university and to any other matter mentioned in paragraphs 1 to 4 of subsection (7).

"Same

"(8.2) A college or university that is directed by the minister to conduct a survey described in subsection (8.1) shall disclose the results of the survey to the minister."

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any comments or debate? Ms. Jones.

Ms. Sylvia Jones: Again, we have the word “may.” I’m not going to rehash a lot of the reasons why I prefer the word “shall”; suffice it to say that in a month or a year, when we are on to a different topic, this gets lost. By inserting the word “shall,” if you would accept that as a friendly amendment, I would be pleased to support this.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler?

Ms. Peggy Sattler: I had mentioned before, and I’ll reiterate, that I think that the word “may” is a real concern. It opens up the possibility that this survey will never be conducted.

But more troubling, I think, is the fact that there is nothing in this motion that talks about the frequency of when this survey is going to be implemented. If it’s just a one-time survey, the value is going to be very limited. We need to be conducting these surveys on a regular basis so that there is baseline data collected and then you can use that as a benchmark to determine what the climate is of sexual violence within the institution. This motion does not say anything about whether this is one time or if it’s going to be a regularly occurring survey, and if it will be implemented at all.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Vernile.

Ms. Daiene Vernile: I will say that there is a very strong commitment to collect this data, and that MTCU has already begun consultations with stakeholders at the province’s post-secondary institutions.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Vernile. Any other debate, any other comments? Seeing none—yes?

Ms. Peggy Sattler: Can I have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Yes, certainly. A recorded vote is requested. Are we in a position to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Yes. Shall the motion carry?

Ayes

Anderson, Dhillon, Malhi, Mangat, Vernile.

Nays

Jones, Sattler, Scott.

The Vice-Chair (Mr. Jagmeet Singh): The motion carries.

Motion 31 is a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that subsection 17(9) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “students enrolled at colleges and universities described in subsection (2)” in the portion before clause (a) and substituting “students enrolled at colleges and universities described in subsection (2), faculty and

staff of such colleges and universities and visitors to such colleges and universities”.

I trust that I do not have to explain my reasons behind this amendment.

The Vice-Chair (Mr. Jagmeet Singh): I think you are absolutely correct. You’ve been very clear. Thank you for that, Ms. Jones.

Debate or comments? Ms. Malhi.

Ms. Harinder Malhi: We will not be supporting this motion, because the current language in the bill reflects the public action plan’s focus on students. The government recommends maintaining the student focus of the legislation and any subsequent regulations.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. I don’t think that came as a massive surprise.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): You can put that on the record, Ms. Jones.

Any other comment or debate? Seeing none, are we in a position to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Shall the motion carry? All those in favour? All right. All those opposed? The motion is lost.

Ms. Sylvia Jones: Chair, if I may?

The Vice-Chair (Mr. Jagmeet Singh): Yes. The vote is done, though.

Ms. Sylvia Jones: I note with interest that you use “shall the motion carry.”

The Vice-Chair (Mr. Jagmeet Singh): Yes. That is because it’s prescriptive. Well said.

We are now on to motion 32. It’s an NDP motion. Ms. Sattler, I recognize you.

Ms. Peggy Sattler: I move that subsection 17(9) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “involving students enrolled” in the portion before clause (a).

The Vice-Chair (Mr. Jagmeet Singh): Any comments or debate?

Ms. Peggy Sattler: This is just another attempt to ensure that the regulations that are made by the Lieutenant Governor in Council relate to sexual violence more broadly at colleges and universities, and not only to students enrolled. It’s restrictive language that I think weakens the effectiveness of the bill.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments? Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion, because we’ve talked about it being a student focus as well as to other members of faculty. We’ve discussed that it would be interfering with labour and human resource policies of the schools. We will not be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Sattler.

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote. Any additional comments? No? Okay. Are we ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Recorded vote. Shall the motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 33, NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that clause 17(9)(a) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “how student input shall be provided and considered” and substituting “how input shall be provided and incorporated”.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Ms. Peggy Sattler: Yes. Certainly if, as we’ve heard many times today, the government’s focus is making sure that the sexual violence policy is very specific to students, this amendment strengthens the student voice in the development of the policy. It requires input from students and others to be incorporated into the regulations, not just considered and dismissed.

1550

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any additional comments or debate? Ms. Malhi.

Ms. Harinder Malhi: Again, we will not be supporting the motion because we feel that the current language in the bill does reflect that there is a student focus and we will be taking under consideration all of the recommendations made by our students, because we want to be able to cater to their needs and listen to what they are telling us.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments or debate?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Any other comments or debate? Seeing none, are we ready to vote? Yes? Excellent. Shall the motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to PC motion number 34: Ms. Jones.

Ms. Sylvia Jones: I move that clause 17(9)(a) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “student input” and substituting “input from students, faculty and staff and from local community sexual assault centres”.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Ms. Sylvia Jones: We’re just trying to bring in everyone and not focus on one subsection.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Ms. Malhi?

Ms. Harinder Malhi: Again, we will not be supporting this motion. For this specific section, when we looked at it, we really did want to keep it student-focused. They are a particularly vulnerable group, and this portion of the legislation is focused to cater to the needs of the students.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote? Okay.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to PC motion number 35: Ms. Scott.

Ms. Laurie Scott: I move that clause 17(9)(e) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by striking out “students affected by sexual violence” and substituting “students, faculty, staff and other persons affected by sexual violence”.

Again, Mr. Chair, we’re trying to be more inclusive of the reality of community on the campuses and not just have it as “students.”

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments?

Ms. Harinder Malhi: The government will not be supporting this motion because of our student focus in this portion of the legislation.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we in a position to vote? Okay.

Shall the motion carry? All those in favour? All those opposed? The motion is lost.

NDP motion number 36: Ms. Sattler.

Ms. Peggy Sattler: I move that clause 17(9)(e) of the Ministry of Training, Colleges and Universities Act, as

set out in section 1 of schedule 3 to the bill, be amended by striking out “students” and substituting “persons”.

This is just another way to achieve what we were previously talking about: to ensure that the policy is broad enough to encompass all members of the campus community.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional debate or comments?

Ms. Harinder Malhi: The government, again, will not be supporting this motion because we do want to focus on our vulnerable group of students. This portion of the legislation is specifically made for students. That’s why the language reflects what it does.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional comments or debate? Seeing none, are we in a position now to vote? Okay.

Shall the motion carry? All those in favour? All those opposed? The motion is lost.

The next motion is NDP motion number 37: Ms. Sattler.

Ms. Peggy Sattler: I move that clause 17(9)(f) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended by adding “faculty, staff and other persons” after “students” wherever that word appears.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional comments or debate? Ms. Sattler?

Ms. Peggy Sattler: I think that it’s important to ensure that the provisions that may be introduced by the Lieutenant Governor in Council encompass the broader campus community and not be restricted to students.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Malhi?

Ms. Harinder Malhi: The government will not be supporting this motion because Bill 132 deliberately focuses on increasing protections for students in sections 3 and 5.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional comments or debate? Ms. Vernile.

Ms. Daiene Vernile: I just wanted to add and to remind everyone that when it comes to faculty and staff, if they are facing issues, our labour relations legislation and policies do cover them.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Ms. Jones?

Ms. Sylvia Jones: I just want to remind everybody that it doesn’t cover visiting individuals who are on campus. Workplace health and safety will not cover someone who’s gone to visit a friend, a spouse, a brother. They’re not protected under workplace health and safety, and they’re certainly not being protected because you’re eliminating the ability for us to widen Bill 132 to protect everyone who’s on campuses.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Additional comments or debate?

Ms. Peggy Sattler: Recorded vote, Chair?

The Vice-Chair (Mr. Jagmeet Singh): Ms. Sattler is requesting a recorded vote. Are we now in a position to vote? Yes.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to PC motion 38: Ms. Jones.

Ms. Sylvia Jones: I move that clause 17(9)(f) of the Ministry of Training, Colleges and Universities Act, as set out in section 1 of schedule 3 to the bill, be amended,

(a) by striking out “sexual violence involving students” in the portion before subclause (i) and substituting “sexual violence involving students, faculty, staff and other persons”; and

(b) by striking out “sexual violence involving students” in subclause (ii) and substituting “sexual violence involving students, faculty, staff and other persons”.

Chair, just to be clear, these are not ideas that the PC caucus came up with out of the air. It actually was raised a number of times. Over a dozen different presenters to the committee on Bill 132 specifically requested that we amend the phrase “specifically and solely addresses sexual violence involving students,” so that the entire campus community, including students, faculty and other employees, will be covered by the sexual violence policy. These are not our ideas; this is what we heard when the public came and said, “You can make this a stronger bill.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Any additional comments or debate? Ms. Mangat.

Mrs. Amrit Mangat: Government motion 15 addresses that concern. The government will not be supporting that motion because it reduces the focus on students.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Mangat. Any additional comments or debate? Seeing none, are we now in a position to vote? Yes? Excellent. Shall the motion carry? All those in favour? All those opposed? The motion is lost.

We have an additional motion that was handed out.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry. We’re in a position to vote on schedule 3, section 1, as amended. Shall schedule 3, section 1, as amended, carry? Carried.

Now we’re addressing PC motion 38.1. Does everyone have motion 38.1? Can I get a showing of hands? Everyone has the motion? Excellent. Now we’re addressing motion 38.1: Ms. Scott.

1600

Ms. Laurie Scott: I move that schedule 3 to the bill be amended by adding the following section:

“1.1(1) Section 17 of the act, as enacted by section 1, is amended by adding the following subsection:

“Annual report to board of governors

“(7.1) Every college or university described in subsection (2) shall provide its board of governors with an annual report setting out, in respect of the preceding year, the information described in paragraphs 1, 2, 3 and 4 of subsection (7).”

“(2) Subsection 17(8) of the act, as enacted by section 1, is amended by adding ‘or to its board of governors pursuant to subsection (7.1)’ after ‘provided to the minister pursuant to subsection (7).”

This makes the regulations more timely so that the government has time to set out and consult with—on proper regulations. It shapes up a bit of a time schedule.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Scott. Any additional questions or comments regarding this motion? Ms. Malhi.

Ms. Harinder Malhi: The government will be supporting this motion. Thank you for bringing it forward.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional comments or debate? Yes, Ms. Jones.

Ms. Sylvia Jones: Can I say hallelujah?

The Vice-Chair (Mr. Jagmeet Singh): Yes, you can.

Ms. Daiene Vernile: You may—or you shall.

The Vice-Chair (Mr. Jagmeet Singh): Hansard shall recognize Ms. Jones saying “hallelujah.”

All right. Are we ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Shall the motion carry? All those in favour? All those opposed? No one is opposed. The motion is carried.

We’re moving to schedule 3, section 2 now. We have government motion 39. Ms. Malhi.

Ms. Harinder Malhi: I move that section 2 of schedule 3 to the bill be struck out and the following substituted:

“Commencement

“This schedule comes into force on January 1, 2017.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any comments or debate? Yes, Ms. Vernile?

Ms. Daiene Vernile: We thought it was necessary to do that because bringing it in six months from now will put us into the summer, when students aren’t at university or college. It makes more sense to go for nine months.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you for that, Ms. Vernile. Any additional comments or debate? Yes, Ms. Malhi?

Ms. Harinder Malhi: We’re going to withdraw this and put forward an amended motion.

The Vice-Chair (Mr. Jagmeet Singh): No problem. We are now going to withdraw this. The mover is always

allowed to withdraw. The motion is withdrawn and there’s a new motion being handed out.

Does everyone have the new motion? It is government motion 39.1. Ms. Malhi, you’re moving it?

Ms. Harinder Malhi: Yes. I move that section 2 of schedule 3 to the bill be struck out and the following substituted:

“Commencement

“2.1(1) Subject to subsection (2), this schedule comes into force on January 1,

2017,

“Same

“(2) Section 1.1 comes into force on a day to be named by proclamation of the Lieutenant Governor.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any comments or debate? Yes, Ms. Jones?

Ms. Sylvia Jones: Chair, I might have to withdraw my hallelujah.

The Vice-Chair (Mr. Jagmeet Singh): Motion on the table to withdraw “hallelujah.”

Ms. Sylvia Jones: Now we have no date, no schedule and no idea when the previously supported motion will actually be proclaimed. I know, and I’m sure many of us around this table know, that there are many, many pieces of parts of legislation that sit in limbo waiting to be proclaimed for years. I would hope that we were not given false hope or that this is some kind of stretch goal where we’re never going to see the previous section proclaimed.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional comments or debate?

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): There seems to be some consulting going on. Further debate at all? No? Okay. There is no further debate at this point. Are we ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Shall the motion carry? All those in favour? All those opposed? The motion is carried.

We are now in a position to vote on schedule 3, section 2, as amended. The question is now: Shall schedule 3, section 2, as amended, carry? I’m not hearing any noes. Okay. Carried.

Shall schedule 3 in its entirety, as amended, carry? Carried.

Now we’re moving to schedule 4. We have NDP motion 40, schedule 4, section 1. Ms. Sattler.

Ms. Peggy Sattler: I move that clause (a) of the definition of “workplace harassment” in subsection 1(1) of the Occupational Health and Safety Act, as set out in subsection 1(1) of schedule 4 to the bill, be struck out and the following substituted:

“(a) engaging in a course of vexatious comment or conduct in person or online against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, and whether, in the case of conduct, it is physical or psychological in nature, or”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any comments or debate?

Ms. Peggy Sattler: This was a point that was raised with the committee when we sought public input on Bill 132. There was a concern that the legislation be clear, that online conduct should also be captured in the legislation and that the legislation should be explicit that online vexatious comments or conduct is addressed. Also, this change in the definition clarifies that the conduct can be physical or psychological in nature, that the vexatious conduct can create a psychological harm. It doesn't just have to be some kind of unwanted physical conduct.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any additional comments or debate? Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion. The workplace harassment definition has been drafted very broadly to allow broad interpretation of the various types of unacceptable behaviours that could constitute workplace harassment. The motion would single out a few modes of behaviours and may therefore exclude others, such as harassment over the telephone. So we would not be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional debate or discussion? Seeing none, are we in a position—

Ms. Peggy Sattler: Recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. On motion 40, are we ready to vote? Yes.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 41, an NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that the definition of “workplace sexual harassment” in subsection 1(1) of the Occupational Health and Safety Act, as set out in subsection 1(2) of schedule 4 to the bill, be struck out and the following substituted:

“‘workplace sexual harassment’ means,

“(a) engaging in a course of vexatious comment or conduct in person or online against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, and whether, in the case of conduct, it is physical or psychological in nature,

“(b) making a sexual solicitation or advance in person or online, whether the solicitation or advance is physical or psychological in nature, where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the

person knows or ought reasonably to know that the solicitation or advance is unwelcome, or

“(c) a reprisal or threat of reprisal in person or online for the rejection of a sexual solicitation or advance, whether the reprisal or threat of reprisal is physical or psychological in nature, where the reprisal or threat is made by a person in a position to confer, grant or deny a benefit or advancement to the worker; (‘harcèlement sexuel au travail’)”

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The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any comment or debate?

Ms. Peggy Sattler: Similar to the previous attempt to address the definition of “workplace sexual harassment,” this clarifies that the vexatious comments or conduct, the sexual solicitations or advances can be in person or online and that they can also be physical or psychological in nature.

It also includes a new part of the definition that deals with reprisal: Making a reprisal or threatening a reprisal can also constitute workplace sexual harassment.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any additional debate or comment? Ms. Malhi?

Ms. Harinder Malhi: The government will not be supporting this motion because the “workplace sexual harassment” definition, as set out in Bill 132, would already encompass in-person or online behaviours, whether comments, conduct or unwelcome sexual solicitations or advances.

In addition, the terms used in the motion are not defined. For example, it's not clear what “conduct of a psychological nature” would be or would mean. So because it's not clear, we don't think that we can support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional comment or debate? Seeing none, are we ready to vote—yes, sorry, Ms. Sattler?

Ms. Peggy Sattler: I would just point out that the previous definitions in Bill 132, under schedule 3, talked about “whether the act is physical or psychological in nature”. That phrase was lifted from the earlier definition of sexual violence that is used in the legislation.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments?

Ms. Peggy Sattler: Could I have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. No further debate? Are we ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote: Shall the motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): By a really close margin, the motion is lost.

Moving to NDP motion number 42: Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 1(3) of schedule 4 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional comments or debate?

Ms. Peggy Sattler: Leaving that subsection in the legislation provides too much flexibility, opportunity or wiggle room for actions that should constitute workplace sexual harassment to be regarded as just management of employees.

It's important that this subsection be removed from the legislation so that that wiggle room for employers is taken out.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Malhi?

Ms. Harinder Malhi: The government will not be supporting this motion because the provision will actually clarify what workplace harassment is not, therefore creating more certainty about what workplace harassment is. This clarity will be useful to all workplace parties, given the context of the enhanced employer duties with this bill.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional comments or debate? Seeing none, are we ready for a vote on this?

Ms. Daiene Vernile: Yes.

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. We are proceeding to the vote. Shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Dhillon, Jones, Malhi, Mangat, Scott, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Now we are in a position to vote on schedule 4, section 1. The question is, shall schedule 4, section 1, carry? Carried.

Moving now to NDP motion number 43, which proposes a new schedule 4, section 1.1, NDP motion 43: Ms. Sattler.

Ms. Peggy Sattler: I move that schedule 4 to the bill be amended by adding the following section:

"1.1 The act is amended by adding the following section:

"Information and instruction, sexual violence

"32.0.5.1(1) An employer shall ensure that every manager, supervisor and worker receives information and instruction about responding to disclosures of workplace sexual violence.

"Definition

"(2) In this section,

"workplace sexual violence" means any sexual act or act targeting a worker's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a worker in a workplace without the worker's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, sexual solicitation and verbal or non-verbal conduct of a sexual nature, and may include an act that occurs online or in the context of a domestic or intimate partner relationship."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Sattler.

Ms. Peggy Sattler: Yes. Certainly, the government has heard repeatedly throughout its consultations on the Changing Workplaces Review, the gender wage gap consultation, the Select Committee on Sexual Violence and Harassment, and this particular committee, Bill 132, that there is a need for mandatory training in the workplace about responding to disclosures of both sexual violence and domestic violence. This was a recommendation that was actually included in the final report of the Select Committee on Sexual Violence and Harassment.

During the process of the select committee we received a presentation indicating that voluntary materials to provide information and instruction in the workplace have an uptake of approximately 1% of Ontario workplaces. So 1% of all Ontario employers are taking advantage of the materials that have been developed by the province about sexual violence and domestic violence in the workplace. There is a need to make the training mandatory rather than voluntary.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion because, as a result of the amendments made under Bill 168, An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters, workplaces in Ontario are required to have workplace violence and workplace harassment policies, programs, measures and procedures in place.

One intent of requiring such policies and programs is to outline a process by which complaints and disclosures of violence in the workplace, including sexual violence, would be shared and managed within the workplace.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Sattler.

Ms. Peggy Sattler: We heard during the Select Committee on Sexual Violence and Harassment that the problem is that these policies exist but employers are not taking advantage of the opportunity to provide training on implementing the policies to their staff. This amendment requires this training to be provided in all workplaces in the province, not just that 1% of employers who are currently implementing the training.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we ready to vote on this?

Ms. Peggy Sattler: Can I have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is requested. Shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion carries—just kidding. The motion is lost.

Now we are moving to NDP motion number 44. Ms. Sattler.

Ms. Peggy Sattler: I move that schedule 4 to the bill be amended by adding the following section:

“1.2 The act is amended by adding the following section:

“‘Information and instruction, domestic violence

“32.0.5.2 An employer shall ensure that every manager, supervisor and worker receives information and instruction about domestic violence in the workplace.”

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The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional comments or debate?

Ms. Peggy Sattler: No. I think I shared with members of the committee the rationale for the previous motion. The Centre for Research and Education on Violence Against Women and Children did a national survey about domestic violence in the workplace. They discovered that approximately 40% of people who had experienced domestic violence at home disclosed their experience of domestic violence to a co-worker. So co-workers are frequently in the position of getting this information about a co-worker who is in a situation of domestic violence at home, and the employee may not have any kind of resources or knowledge about how to effectively address the disclosure.

This amendment ensures that everyone in a workplace—every manager, every supervisor, every worker—is trained in how to identify the signs of domestic violence and how to respond to a disclosure of domestic violence when it is shared by a co-worker.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional debate or discussion? Ms. Malhi.

Ms. Harinder Malhi: We'll be voting against this motion. The government is very concerned about domestic violence in our province, but as a result of amendments made under Bill 168, workplaces in Ontario are required to have workplace violence policies, programs, measures and procedures in place to protect workers from violence. The Ministry of Labour has provided assistance and information on domestic violence in work-

places. We are committed to helping with domestic violence, but in this case, we will be voting against the motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional comments or debate? Yes, Ms. Sattler?

Ms. Peggy Sattler: Yes. Again, during the select committee process, we heard that the government has invested resources into the development of a program called Make It Our Business, which is directed to educating workplaces about domestic violence, but as I said before, only about 1% of all Ontario employers are taking advantage of those resources. This is a program that was funded by the government. It's basically sitting on the shelf because employers are not taking advantage of it. This amendment would require all workplaces to have training and instruction available to raise awareness about domestic violence in the workplace.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional debate or discussion? Are we ready to move to a vote?

Ms. Peggy Sattler: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

The next motion is motion 45, NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that schedule 4 to the bill be amended by adding the following section:

“1.3 Section 32.0.6 of the act is amended by adding the following subsection:

“‘Consultation

“(1.1) The program shall be developed and maintained in consultation with the committee, if any, or a health and safety representative, if any.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Any questions or debate on this motion? Yes, Ms. Sattler?

Ms. Peggy Sattler: This amendment requires that employers consult with their health and safety committees, if they exist in the workplace, or a health and safety representative on what should be in the program because these are people who have the best knowledge and experience about what's needed in the workplace. They're also in the best position to monitor the effectiveness of the program or policy. Again, this was a recommendation that was made to the social policy committee during the public input on Bill 132.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion because the government will move a motion to amend section 32.0.6 of the Occupational Health and Safety Act to achieve the same objective as this motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any additional debate? Seeing none, are we ready to vote?

Ms. Daiene Vernile: Yes.

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): Thank you. The motion is lost.

Right now we're moving to motion 46, which is in schedule 4, section 2. Government motion: Ms. Malhi?

Ms. Harinder Malhi: I move that section 2 of the bill be amended by adding the following subsection:

“(1) Section 32.0.6(1) of the act is repealed and the following substituted:

“(1) An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1(1)(b).”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any comments or debate? Ms. Malhi?

Ms. Harinder Malhi: The motion would require an employer to develop and maintain a written program respecting workplace harassment in consultation with the joint health and safety committee. This would help with any kind of issues they were having. I'm hoping for your support.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Are there any additional comments or debate? Ms. Jones?

Ms. Sylvia Jones: I will be supporting this motion because it has the word “shall” in it, instead of “may.”

The Vice-Chair (Mr. Jagmeet Singh): Excellent, Ms. Jones. Thank you for that. Any additional comments or debate? Ms. Vernile?

Ms. Daiene Vernile: We shall be so happy to have your support.

The Vice-Chair (Mr. Jagmeet Singh): So many people are feeling the word “shall”; it's great. It's awesome.

Any other comments or debate? Shall we move towards the vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Shall the motion carry? All those in favour? All those opposed? The motion is carried.

The next motion is NDP motion 47: Ms. Sattler?

Ms. Peggy Sattler: I move that section 2 of schedule 4 to the bill be struck out and the following substituted:

“2. Subsection 32.0.6(2) of the act is repealed and the following substituted:

““Contents

“(2) Without limiting the generality of subsection (1), the program shall include any prescribed elements and written measures and procedures setting out,

“(a) the process for workers to report incidents of workplace harassment to the employer or supervisor;

“(b) the process for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;

“(c) how incidents or complaints of workplace harassment will be investigated by an impartial person described in section 55.3;

“(d) how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed, except when the disclosure is necessary to protect the worker who has allegedly experienced workplace harassment or other workers from workplace harassment, unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;

“(e) how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been or that will be taken as a result of the investigation;

“(f) the process of notifying, which shall not include identifying information about any individuals involved except as specified, the committee, if any, of

“(i) the fact that an incident of workplace harassment was reported to the employer or supervisor,

“(ii) the fact that an investigation is taking place, the progress of the investigation and when it is concluded, and

“(iii) the results of the investigation and whether any corrective action has been taken or will be taken as a result of the investigation, including only such identifying information necessary to protect the worker who has allegedly experienced workplace harassment or other workers from workplace harassment; and

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“(g) the process for reporting to the committee, if any,

“(i) the number of incidents and complaints of workplace harassment reported by workers and the prescribed information about the incidents and complaints,

“(ii) the number of open, ongoing and closed investigations, and

“(iii) a summary of the results of each investigation and the actions taken by the employer to respond to the incident or complaint of workplace harassment and to prevent further workplace harassment against the worker who allegedly experienced workplace harassment or other workers.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any comments or debate?

Ms. Peggy Sattler: Yes. This provides a much more proactive role for the joint health and safety committee. It allows the joint health and safety committee to be informed in an ongoing way about what is happening with regard to workplace sexual harassment within their workplace. I think that this will enable the joint health and safety committee to develop a much more effective program when they have this kind of information about how prevalent workplace sexual harassment is and what has happened as a result of the investigations that have been conducted.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any additional comments or debate? Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion. The Ministry of Labour does recognize the importance of joint health and safety committees and the health and safety representatives in supporting the internal responsibility system. The government, through motion 46, has strengthened the role of the joint health and safety committee or health and safety representative, if any, in the development and maintenance of workplace harassment programs.

This motion could compromise confidentiality and the privacy of workers who have complained about workplace harassment.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Additional comments or debate? Seeing none, are we prepared to vote on this?

Ms. Peggy Sattler: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Are we prepared to vote? Yes? Shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Jones, Malhi, Mangat, Scott, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We're now in a position to vote on schedule 4, section 2, as amended. The question now put to the committee is, shall schedule 4, section 2, as amended, carry? Carried.

We're moving now to schedule 4, section 3. The first motion is NDP motion 48: Ms. Sattler.

Ms. Peggy Sattler: I move that clause 32.0.7(1)(a) of the Occupational Health and Safety Act, as set out in

section 3 of schedule 4 to the bill, be amended by adding “by an impartial person described in section 55.3” at the end.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Ms. Sattler, then Ms. Malhi.

Ms. Peggy Sattler: Again, as with all of the motions that I've brought forward, this was recommended to the committee by stakeholders who appeared before the committee during the public input. It was felt that it is important to emphasize that the person who is conducting the investigation has to be an impartial person. There are currently no provisions in the legislation for training on how to conduct an investigation, and without an assurance of the impartiality of the investigator, it could really compromise the effectiveness or the quality of the investigation that's conducted.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Moving now to Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion because the proposed amendments in Bill 132 do enhance the employer duties with respect to workplace harassment, including a requirement for employers to ensure that an appropriate investigation is carried out. The provision in Bill 132 for investigations is purposely broad to allow employers the flexibility to deal appropriately with workplace harassment from clients, students, other workers or supervisors.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any additional debate, questions or comments? Seeing none, are we in a position—

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Are we in a position to vote on this bill? Yes? Shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

NDP motion 49. Ms. Sattler.

Ms. Peggy Sattler: I move that clause 32.0.7(1)(c) of the Occupational Health and Safety Act, as set out in section 3 of schedule 4 to the bill, be amended by adding “in consultation with the committee, if any, or the health and safety representative, if any” after “as often as necessary”.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any comments or debate? Ms. Sattler.

Ms. Peggy Sattler: Currently, the language of the bill requires the program to be reviewed as often as necessary, but it does not indicate that there would be a role for the joint health and safety committee or the health and safety representative in reviewing the program. This

amendment clarifies the role of the committee or the representative.

Again, this was recommended to us by people who appeared before the committee.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion, because Bill 132 sets out a new employer duty to review the workplace harassment program. Due to the frequency with which the program must be reviewed, adding a specific role for the joint health and safety committee or the health and safety representative would not be appropriate. This duty should more properly remain with the employer.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Ms. Jones.

Ms. Sylvia Jones: I like this amendment, because it actually involves both employers—managers—and employees. There is a representation across the board on health and safety committees; that's why, by their very nature, they're called joint health and safety committees. I'm happy to support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any additional debate or discussion?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Are we ready to vote?

Shall this motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to NDP motion 50. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 32.0.7(1) of the Occupational Health and Safety Act, as set out in section 3 of schedule 4 to the bill, be amended by striking out "and" at the end of clause (c) and by adding the following clause:

"(c.1) he or she takes all other reasonable measures to prevent workplace harassment and to promote respect and dignity in the workplace, recognizing that all workers have a right to work in an environment free of workplace harassment; and"

The Vice-Chair (Mr. Jagmeet Singh): Any comments or debate? Ms. Sattler.

Ms. Peggy Sattler: One of the concerns about the way this schedule is currently structured is that there is no blanket employer obligation to prevent workplace harassment. When it talks about protecting workers from sexual harassment in the workplace, it just talks about after the fact. It sets out a whole process for what em-

ployers are supposed to do after they've discovered that workplace sexual harassment is taking place.

This is a new motion that requires employers to take reasonable measures to actually prevent workplace harassment. This would be before the fact, not just after the fact.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler.

Just to make sure that we're clear: If you note the way it was typed, it says "or workplace harassment," but Ms. Sattler correctly noticed that typo and said "of."

Ms. Peggy Sattler: Yes, it was a typo.

The Vice-Chair (Mr. Jagmeet Singh): I just want to make sure it's clear that there's no issue with it being "of" instead of "or."

All right, we have Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. The proposed amendments in Bill 132 build upon the current requirements in the Ontario Health and Safety Act regarding workplace harassment. They are consistent with Ontario's human rights scheme.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Ms. Vernile.

Ms. Daiene Vernile: I think it's very aspirational to expect an employer to try to prevent workplace harassment. Let's say we had that in place and you did have an act of harassment. How do we penalize the employer now, even if he or she tried to prevent it in the first place? Are we to hold them accountable for that? Are they a failure?

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Forgive me, but I think it's nonsensical, and you cannot expect an employer to prevent workplace harassment. They can try to educate their workers; they can try to reach out to them to let them know what the expectations are, but to actually expect them to prevent it when they have no control over that—if you've got someone in the workplace who, even after education, is going to act like a predator, how does the employer stop that?

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Any additional comments? Ms. Sattler.

Ms. Peggy Sattler: The problem with section 32.0.7 is that it talks about employers' obligations to protect—protect—workers from workplace harassment. That suggests that there would be some preventative measures put in place, but the rest of that clause goes on to talk about what the employer is going to do after the harassment has already occurred.

All this motion does is require an employer to take reasonable measures to prevent future incidents of workplace harassment, instead of just waiting for the harassment to happen and then investigating after the fact.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Jones.

Ms. Sylvia Jones: I think it's a reasonable amendment that the vast majority of employers in the province of Ontario already attempt to do, and I'm happy to support it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Jones. Any other concerns, comments, questions? Yes?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Are we ready to vote now? Excellent. Shall the motion carry?

Ayes

Jones, Sattler, Scott.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 51, NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that section 32.0.7 of the Occupational Health and Safety Act, as set out in section 3 of schedule 4 to the bill, be amended by adding the following subsection:

“Same

“(1.1) For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace harassment.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any comments or questions? Ms. Jones.

Ms. Sylvia Jones: It's really more of a question. I pulled out the duties and they seem very unrelated to what you're talking about. It's talking about equipment, materials, protective devices. I guess I'm looking for clarification if I could, Chair, on what you believe this amendment would assist.

The Vice-Chair (Mr. Jagmeet Singh): Sure. I'd normally give the opportunity for the mover to explain, and I forgot to do that. Ms. Sattler?

Ms. Peggy Sattler: This just strengthens the language around employer duties, supervisor duties and worker duties. It's flowing from 32.0.7.1, so it's adding a new section, 1.1, after that clause in the bill.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any additional comments? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. The motion would be inconsistent with the current scheme of the act, which focuses on physical health and physical safety and which has been formulated to deal with these sorts of hazards.

In addition, this motion would result in negative consequences for the worker who has been harassed.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional comments or questions? Seeing none, are we in a position to vote? Okay.

Ms. Sattler, you've been requesting recorded votes. I'm assuming that that's for everything?

Ms. Peggy Sattler: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Continuing with that, recorded vote. Shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Motion 52, PC motion: Ms. Jones.

Ms. Sylvia Jones: I move that section 3 of schedule 4 to the bill be amended by adding the following section:

“Ministry best practices

“32.0.9 The ministry shall develop best practices for the policies and programs with respect to workplace violence and workplace harassment that employers are required to prepare under this part and shall make the best practices available to the public by whatever means the ministry considers appropriate.”

The Vice-Chair (Mr. Jagmeet Singh): Questions and comments? Ms. Jones, would you like to provide an explanation?

Ms. Sylvia Jones: Yes. Essentially, what we're trying to do with this motion is that there are some good examples out there and we're trying to encourage the ministry to share those. As opposed to always just highlighting what is wrong, they could also play a role in showing employers a better way.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments or questions? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. The ministry is addressing this motion operationally. The ministry has committed to developing a code of practice regarding workplace harassment requirements as set out in It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment. This code will serve as the compliance tool for workplaces. In addition, the ministry will develop other workplace harassment materials, including a guideline and other educational materials for employers.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any other comments, questions or debate?

Seeing none, are we in a position to vote on this?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote requested.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes? No?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Okay, no recorded vote requested.

Shall the motion carry? All those in favour? All those opposed? The motion is lost.

We are now in a position to vote on schedule 4, section 3. Shall schedule 4, section 3 carry? Carried.

We're now moving to schedule 4, section 4. NDP motion 53. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 55.3(1) of the Occupational Health and Safety Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

"Order for workplace harassment investigation

"55.3(1) An inspector may in writing order an employer to cause an investigation described in clause 32.0.7(1)(a) to be conducted by a person described in subsection (1.1), at the expense of the employer, and to obtain, at the expense of the employer, a written report by that person.

"Same

"(1.1) The employer shall select the person referred to in subsection (1) from a list of impartial persons provided by the minister, which shall include persons who possess,

"(a) such knowledge, experience or qualifications as are specified by the inspector; and

"(b) such professional designations as are prescribed."

The Vice-Chair (Mr. Jagmeet Singh): Comments, questions or an explanation regarding that?

Ms. Peggy Sattler: Yes. We had some input from the Human Resources Professionals Association that people with a professional HR designation be enlisted to conduct these workplace harassment investigations, and they pointed to precedent in other legislation where there is a list of people that can be drawn from to conduct these kinds of activities for the minister.

There is a concern that the legislation as currently written may leave it open as to who is an impartial person, and this sort of pre-qualifies who those impartial persons may be when an inspector orders an investigation to take place.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments?

Ms. Harinder Malhi: The government will not be supporting this motion because the proposed amendments in Bill 132 enhance employer duties with respect to workplace harassment and include that employers ensure that an appropriate investigation is carried out. The Ministry of Labour's explanatory and educational materials will discuss appropriate investigations including timelines and those who should investigate incidences and complaints.

1650

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Moving to additional comments, questions, or concerns. Ms. Vernile.

Ms. Daiene Vernile: I think it would be very difficult, if not impossible for the Minister of Labour to decide on the impartiality of a person with respect to investigating an incident that hasn't even taken place yet. Impartiality is going to depend upon the circumstances of each and every case.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Vernile. Ms. Sattler?

Ms. Peggy Sattler: The motion indicates that this is only after an inspector orders an employer to cause an

investigation, so the inspector has some knowledge about the circumstances that have taken place and understands the kind of knowledge, experience and qualifications that would be necessary to conduct an effective investigation. The motion that I've drafted indicates that the inspector can specify the knowledge, experience and qualifications that would be required for that impartial person.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Additional comments, questions, or debate? Seeing none, are we in a position now to vote?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. The question put is, shall the motion carry?

Ayes

Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We are now in a position to vote on schedule 4, section 4. Shall schedule 4, section 4 carry? Carried.

Now we can also vote on schedule 4, section 5. There are no amendments. Shall schedule 4, section 5 carry? Carried.

Now the schedule, as amended: Shall schedule 4, as amended, carry? Carried.

Now moving to schedule 5, we have PC motion 54: Ms. Jones.

Ms. Sylvia Jones: I move that the definition of "sexual violence" in subsection 32.1(1) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be amended by adding "gender identity or gender expression" after "targeting a person's sexuality".

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Would you like to provide an explanation?

Ms. Sylvia Jones: Very briefly: This makes the amendments consistent with the previous amendment—I think it was 14—that we did support.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Ms. Malhi.

Ms. Harinder Malhi: We agree with this motion and will be supporting it, and want to thank the opposition for bringing it forward. I'm waiting for the "hallelujah." Come on, Sylvia. No?

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. I think the hallelujahs are consent-based only, so you cannot force those on others. Ms. Jones will only provide that if she sees fit to do so.

Any other questions or comments or debate? Seeing none, are we ready to vote? Shall the motion carry? All those in favour? All those opposed? The motion is carried.

Ms. Peggy Sattler: Chair, can we have just a short recess?

The Vice-Chair (Mr. Jagmeet Singh): Absolutely. Oh sorry, I have to put it to the floor. What are you looking for in terms of recess?

Ms. Peggy Sattler: Four minutes? Five?

The Vice-Chair (Mr. Jagmeet Singh): Sure, we'll do five minutes. Is everyone okay with a five-minute recess? Excellent. Five-minute recess.

The committee recessed from 1654 to 1702.

The Vice-Chair (Mr. Jagmeet Singh): The committee will now resume. Thank you so much for the indulgence for the recess. We are on motion 54, I believe—

Ms. Sylvia Jones: Motion 55.

The Vice-Chair (Mr. Jagmeet Singh): Motion 55; thank you so much, Ms. Jones.

Motion 55 is an NDP motion. Ms. Sattler?

Ms. Peggy Sattler: I move that the definition of “sexual violence” in subsection 32.1(1) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“‘sexual violence’ means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, sexual solicitation and verbal or non-verbal conduct of a sexual nature, and may include an act that occurs online or in the context of a domestic or intimate partner relationship.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. An explanation or any comments?

Ms. Peggy Sattler: Yes. This revised definition is based on feedback that we received during public input into Bill 132. There is a need to expand the kinds of acts that could be considered sexual assault.

This definition does that by adding in sexual solicitation and verbal or non-verbal conduct of sexual nature. The definition also clarifies that acts that occur online are included, and it also extends to domestic or intimate-partner relationships.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Additional comments? Ms. Malhi?

Ms. Harinder Malhi: The government will be voting against this motion, because the existing definition is already broad enough to include acts committed online or by an intimate partner. The proposed motion unnecessarily includes additional language that may inadvertently narrow the interpretation of the actual definition.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any other debate? Are we ready to vote?

A recorded vote has been requested each time, so I assume that’s going to continue. We are now in a position to vote.

Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to NDP motion number 56: Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 32.1(2) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“Sexual violence policy

“(2) It is a condition of every registration that a private career college have a sexual violence policy that,

“(a) specifically addresses sexual violence involving students enrolled at a private career college, as well as faculty, staff, volunteers, visitors and other members of the campus community;

“(b) sets out the process for how the private career college will respond to and address incidents and complaints of sexual violence, and includes the elements specified in the regulations relating to the process;

“(c) sets out the process for formal reports of sexual violence to be made to the private career college, and provides options and resources for confidential disclosure without a formal report;

“(d) addresses any other topics and includes any other elements required by the regulations; and

“(e) otherwise complies with the requirements set out in the regulations.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any comments or statements?

Ms. Peggy Sattler: Yes. Private career colleges are educational institutions, just like other publicly assisted colleges and universities. There are a variety of people who are on the campuses of private career colleges, not just the students who are enrolled there. There may be students from other institutions, there may be visitors to the campus, there are faculty and staff members there and there may be volunteers there. We heard during the public input to Bill 132 that sexual violence policies should extend more broadly to all members of the campus community.

This proposed amendment also clarifies the difference between formal reports of sexual violence that are made to the institution and confidential disclosures of sexual violence that may take place without the incident being formally reported. These confidential disclosures could be a student disclosing to another faculty member, a student disclosing to a student or a student disclosing to the registrar’s office. It was emphasized repeatedly during the public input that there is a need to address both kinds of experiences of sexual violence that can occur: when a student wants to formally report to the institution so that it can be followed up on with action,

versus when a student just wants to disclose to somebody that they've had this experience, and they also should be supported.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Ms. Malhi?

Ms. Harinder Malhi: The government will be voting against this motion because an extension of the sexual violence policy to private career colleges and college employees could place a superintendent in a conflict of interest and would increase the administrative burden on private career colleges as small businesses. The Private Career Colleges Act, 2005, and the authorities of the superintendent as they currently stand are focused on student protection.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Ms. Jones?

Ms. Sylvia Jones: Thank you, Chair. In the interests of transparency, with your indulgence, I would like to read the 19 deputants who requested this expansion beyond students:

- the Advocates for a Student Culture of Consent;
- the Canadian Federation of Students;
- Colleges Ontario;
- the Council of Ontario Universities;
- the Centre for Research and Education on Violence Against Women and Children;
- Lakehead University;
- members of the Carleton community;
- METRAC;
- Ontario Coalition to End Violence Against Women and Sexual Assault Network;
- the Ontario Coalition of Rape Crisis Centres;
- the Society for Graduate Students at Western University;
- the Trent Centre Student Association and Canadian Federation of Students Ontario;
- Trent University;
- University of Guelph;
- the University Students' Council, Western University;
- WomenatthecentrE;
- Wilfrid Laurier University;
- Western University; and
- York University.

They all very specifically asked that we amend the phrase “specifically and solely addresses sexual violence involving students,” so that the entire campus community, including students, faculty and other employees, will be covered by the sexual violence policy.

1710

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Any other debate? Seeing none, are we in a position to vote? This will be a recorded vote.

Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 57: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 32.1(5) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“Input

“(5) Every private career college shall ensure that input from the following persons and entities is incorporated, in accordance with any regulations, in the development of its sexual violence policy and every time the policy is reviewed or amended:

“1. Student survivors and diverse members of the student community.

“2. Faculty and staff.

“3. Relevant organizations in the community in which the private career college is located, in particular sexual assault centres, rape crisis centres, domestic violence treatment centres, sexual assault treatment centres and similar entities.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any comments?

Ms. Peggy Sattler: This amendment responds to the input that the committee received during the public presentations on Bill 132, in particular the need to involve organizations that are in the community around where the private career college is located. It is quite likely that students from the private career college could access the services of those community organizations before they might even access the campus services, so those community organizations might have valuable information and expertise to inform the policy that the private career college is required to develop.

This motion also honours the voices of survivors. There has to be an explicit effort to engage survivors of sexual violence in the development of the policy, because they are the ones who have had these experiences on campus and they also will have very valuable insights to share.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Ms. Jones.

Ms. Sylvia Jones: I support this motion, in particular the third section related to the sexual assault centres, rape crisis centres, domestic violence treatment centres and sexual assault treatment centres.

By their very nature, private career colleges tend to have a shorter education career component. There are courses and systems within the private career college where you may only be in school for eight weeks. I think it's critically important that we involve the community and, quite frankly, the experts in the field.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion because, as we've talked about in past

motions, it is a student focus, and nowhere in the legislation does it say that the institution or the organization cannot connect with other organizations or other stakeholders and do more consultations on those grounds from the other stakeholders. But we want to keep the legislation worded as such because of our commitment that we made to a student focus.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate? No other debate. We are in a position to vote. This is a recorded vote again. Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to NDP motion 58: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 32.1(6) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be amended by striking out “three years” and substituting “two years”.

The Vice-Chair (Mr. Jagmeet Singh): Any debate? Ms. Sattler.

Ms. Peggy Sattler: Again, this reflects what the committee heard during the public input: that a three-year review cycle is too long, in particular in the private career college sector when you’re looking at the very compressed length of the programs that the students are taking. To only review the policy every three years misses a lot of opportunity to improve the policy by reviewing on a two-year cycle rather than three years.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments? Yes, Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. The current requirement in the bill proposing a review to take place at least once every three years is intended to be an opportunity for meaningful student input and continuous improvement. As we’ve said in the past, we don’t want to add that extra burden. As well, there’s nothing in the legislation stating that organizations wouldn’t undertake reviews earlier; they are free to do that if they choose to do so.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Ms. Vernile?

Ms. Daiene Vernile: Adding to what my colleague just said, if we’re reviewing every two years, it’s going to mean that the policies are always in a state of review, in a review cycle. Allowing three years will give us an opportunity to implement the policies, see how they work and make adjustments accordingly.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Vernile. Any other comments? Seeing none, are we ready to vote? Yes. This is a recorded vote again.

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 59: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 32.1(8) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“Information for superintendent

“(8) Every private career college shall,

“(a) use an anonymous survey administered biannually by the minister to collect from its students and other persons, and provide to the superintendent”—

The Vice-Chair (Mr. Jagmeet Singh): Sorry; my apologies. We are on 59, and I believe you’re reading motion 60.

Ms. Peggy Sattler: Oh, I’m reading 60. Sorry.

The Vice-Chair (Mr. Jagmeet Singh): That’s okay.

Ms. Peggy Sattler: Sorry about that.

The Vice-Chair (Mr. Jagmeet Singh): No problem.

Ms. Peggy Sattler: Motion 59: I move that clause 32.1(7)(b) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be amended by striking out “involving students enrolled”.

The Vice-Chair (Mr. Jagmeet Singh): Any comments or debate? Ms. Sattler.

Ms. Peggy Sattler: The purpose of this motion is to broaden the stand-alone sexual violence policy so that it encompasses the entire campus community and visitors to campus, rather than only students enrolled at the campus.

The Vice-Chair (Mr. Jagmeet Singh): Additional? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. As we’ve talked about at length now, students are a particularly vulnerable group, and the bill reflects the public action plan’s focus on students. The government recommends maintaining the student focus of the legislation and any subsequent regulations.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional comments or debate? Seeing none, are we ready to vote? A recorded vote.

Ayes

Jones, Martow, Sattler.

Nays

Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

NDP motion 60: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 32.1(8) of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“Information for superintendent

“(8) Every private career college shall,

“(a) use an anonymous survey administered biannually by the minister to collect from its students and other persons, and provide to the superintendent, such information and data as may be requested by the superintendent, in the manner and form directed by the superintendent, relating to,

“(i) perceptions of safety on campus and attitudes regarding sexual violence,

“(ii) experiences related to incidents of sexual violence at the private career college that are not disclosed or reported,

“(iii) experiences requesting and obtaining supports, services and accommodation relating to disclosure of sexual violence that are available at the private career college or in the community,

“(iv) awareness of any initiatives and programs established by the private career college to promote the supports and services available,

“(v) experiences reporting incidents and complaints of sexual violence to the private career college or other bodies, and

“(vi) the implementation and effectiveness of the policy; and

“(b) collect and provide to the superintendent biannually such data and other information as may be requested by the superintendent, in the manner and form directed by the superintendent, relating to the number of incidents and complaints of sexual violence formally reported to the private career college.”

1720

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any debate? Ms. Sattler.

Ms. Peggy Sattler: Yes. This motion reflects the input that the committee received about the need to conduct a climate survey to gather information on perceptions of safety and attitudes around sexual violence, and also to find out from the students how they feel about their interactions with the college when they have disclosed an experience of sexual violence or when they have formally reported an incident of sexual violence. It also measures awareness of the services that are available on campus.

The second part of the amendment, clause (b), limits the data that will be collected and reported to the superintendent to only formal reports. Currently the legislation talks about the number of students who have accessed different programs and services. This amendment limits it just to formal reports.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Sattler. Any additional debate? Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion because it's too prescriptive and does not allow for adequate flexibility. The government is proposing a similar motion for an amendment that would provide the superintendent with the authority to conduct a campus climate survey to measure the incidence and the prevalence of sexual violence among private career college students.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional debate? Seeing none, are we ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote has been requested. Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We move to government motion number 61. Ms. Malhi.

Ms. Harinder Malhi: I move that section 32.1 of the Private Career Colleges Act, 2005, as set out in section 1 of schedule 5 to the bill, be amended by adding the following subsections:

“Survey

“(10) The superintendent may conduct, or may direct a private career college to conduct or participate in, a survey of students and other persons as identified by the superintendent, relating to the effectiveness of the private career college's sexual violence policy, to the incidence of sexual violence at the private career college and to any other matter mentioned in paragraphs 1 to 4 of subsection (8).

“Same

“(11) A private career college that is directed by the superintendent to conduct a survey described in subsection (10) shall disclose the results of the survey to the superintendent.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Malhi. Any debate? Ms. Malhi?

Ms. Harinder Malhi: No, I'm okay.

The Vice-Chair (Mr. Jagmeet Singh): No? Okay. Any additional—Ms. Jones?

Ms. Sylvia Jones: Thank you. It was suggested, when the government voted down the previous NDP motion, that their motion would be sufficient, but I speak to that wonderful word “may” again. There is no obligation that we would see these surveys of students, and I am greatly concerned that once our debate and vote on Bill 132 are

finished, these sections will remain unused. You can't improve a system if you're not measuring it.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Jones. Now we move to Ms. Sattler.

Ms. Peggy Sattler: Thank you. I share Ms. Jones's concern about the use of the word "may" rather than "shall." I'm also concerned that even if this survey is conducted, it could just be a single snapshot in time. There's no requirement in this motion that this survey be conducted more than once, so that you can see what measurable changes have occurred as a result of the implementation of the policy. If you're going to do this survey, you want to make the results as meaningful and useful as possible. You want to use it to establish a baseline so that you can later see what the impact of the sexual violence policy has been.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any other debate? Seeing none, are we in a position to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Shall the motion carry? All those in favour? All those opposed? The motion is carried.

Now moving to schedule 5, section 1, as amended. Shall schedule 5, section 1, as amended, carry? Carried.

Now moving to schedule 5, section 2. There are no amendments. Shall schedule 5, section 2, carry? Carried.

Moving now to schedule 5, section 3: The next motion is NDP motion 62. Ms. Sattler.

Ms. Peggy Sattler: I move that paragraph 14.1 of subsection 55(1) of the Private Career Colleges Act, 2005, as set out in section 3 of schedule 5 to the bill, be amended by striking out "involving students enrolled" in the portion before subparagraph 14.1 i.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any debate?

Ms. Peggy Sattler: Yes. The purpose of this amendment is simply to broaden the application of the act to the entire campus community rather than limiting it to only students who are currently enrolled.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler? Any additional? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion. As we've discussed in the past, the current language in the bill does reflect the public action plan's focus on students, and we want to keep that focus within this legislation.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Any other debate? Are we ready to vote?

Ms. Daiene Vernile: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. A recorded vote, I believe.

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 63, an NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that subparagraph 14.1 i of subsection 55(1) of the Private Career Colleges Act, 2005, as set out in section 3 of schedule 5 to the bill, be amended by striking out "how student input shall be provided and considered" and substituting "how input shall be provided and incorporated".

The Vice-Chair (Mr. Jagmeet Singh): Thank you. Any comments or debate?

Ms. Peggy Sattler: Yes. This strengthens the language around including student input in the policy. Instead of just considering and potentially dismissing input from students, this language requires that input be incorporated into the policy. It also contemplates that input could be solicited from a broader range of campus representatives rather than simply students. So it removes the word "student" from in front of "input."

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any debate? Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion. As we've said, we feel that the language used in the legislation does reflect that there's a student focus, and we're committed to a student focus, as we've discussed over the course of the afternoon. We feel that the way the legislation is worded will suffice.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Malhi. Additional debate? Seeing none, are we ready to vote?

Interjections: Yes.

Ms. Peggy Sattler: Recorded.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving to motion 64, an NDP motion: Ms. Sattler.

Ms. Peggy Sattler: I move that subparagraph 14.1 v of subsection 55(1) of the Private Career Colleges Act, 2005, as set out in section 3 of schedule 5 to the bill, be amended by striking out "students" and substituting "persons".

1730

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Sattler. Any further debate?

Ms. Peggy Sattler: Yes. This amendment recognizes that sexual violence on campus can occur between students and former students, students and other students from other campuses who may be visiting the campus and there may also be effects of sexual violence that involve faculty or staff. This amendment broadens the application of the schedule to the entire campus community, not just students.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Malhi.

Ms. Harinder Malhi: The government will be voting against this motion, as I just said earlier. We feel that the legislation itself has a student focus and the language used in the bill is focused on students, and we're committed to student input.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we ready to vote?

Ms. Peggy Sattler: Recorded.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote. Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

NDP motion 65. Ms. Sattler.

Ms. Peggy Sattler: I move that subparagraph 14.1 vi of subsection 55(1) of the Private Career Colleges Act, 2005, as set out in section 3 of schedule 5 to the bill, be amended by adding "faculty, staff and other persons" after "students" wherever that word appears.

The Vice-Chair (Mr. Jagmeet Singh): Further debate? Ms. Sattler.

Ms. Peggy Sattler: This is another attempt to broaden the scope of the bill to encompass the entire campus community in the sexual violence policy and not just students.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi.

Ms. Harinder Malhi: The government will not be supporting this motion because, as we've said, this specific part of the legislation is student-focused. That's the commitment that we made in It's Never Okay, and we want to continue to work towards that commitment.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Jones.

Ms. Sylvia Jones: Chair, I believe this is the last time we are going to attempt to expand to faculty, staff and other persons, and I would like to make a prediction that there is going to be a human rights filing related to us not moving forward and protecting everyone who is on post-secondary campuses.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate? Seeing none, are we ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote. Shall the motion carry?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We are in a position to vote on schedule 5, section 3. The question is: Shall schedule 5, section 3 carry? Carried.

We now move to schedule 5, section 4. We have a government motion 66. Ms. Malhi.

Ms. Harinder Malhi: I move that section 4 of schedule 5 to the bill be struck out and the following substituted:

"4. This schedule comes into force on January 1, 2017."

The Vice-Chair (Mr. Jagmeet Singh): Any debate? Seeing none, are we ready to vote? Shall the motion carry? All those in favour? All those opposed? The motion carries.

Shall schedule 5, section 4, as amended, carry? Carried.

Shall schedule 5, as amended, carry? Carried.

We are now moving to schedule 6, section 1. We have a PC motion, motion 67. Ms. Martow.

Mrs. Gila Martow: I move that the definition of "sexual violence" in subsection 47.3(2) of the Residential Tenancies Act, 2006, as set out in section 1 of schedule 6 to the bill, be amended by adding "gender identity or gender expression" after "targeting a person's sexuality".

The Vice-Chair (Mr. Jagmeet Singh): Any debate? Ms. Martow?

Mrs. Gila Martow: I think it's very similar to a previous amendment, which is to expand to include differing gender identities and gender expressions.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate? Ms. Malhi.

Ms. Harinder Malhi: The government will be supporting this motion. I just want to thank the opposition for bringing it forward.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, we are ready to vote.

Shall the motion carry? All those in favour? All those opposed? The motion carries.

The last motion, everybody—uh-oh, we should slow it down right now because we just enjoyed spending so much time together. It's all going to be over now.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): That comment will be struck from the record, please.

Laughter.

The Vice-Chair (Mr. Jagmeet Singh): NDP motion number 68: Ms. Sattler.

Ms. Peggy Sattler: I move that the definition of “sexual violence” in subsection 47.3(2) of the Residential Tenancies Act, 2006, as set out in section 1 of schedule 6 to the bill, be struck out and the following substituted:

“‘sexual violence’ means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, sexual solicitation and verbal or non-verbal conduct of a sexual nature, and may include an act that occurs online or in the context of a domestic or intimate partner relationship.”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or further debate?

Ms. Peggy Sattler: Yes. This is the same definition that I have tried to introduce in earlier schedules of the act. It reflects the input that we heard during the public presentations on Bill 132. There were recommendations to expand the kinds of sexual violence that a person could experience, which is why I’ve added sexual solicitation and verbal or non-verbal conduct of a sexual nature.

It was also recommended that the definition be clear that online violence is also encompassed by the definition and, finally, that the definition acknowledge the fact that sexual violence often occurs in domestic or intimate partner relationships, and that should be reflected in this language.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Malhi?

Ms. Harinder Malhi: The government will be voting against this motion. The additional language cites verbal or non-verbal conduct of a sexual nature as an example of a non-consensual sexual act. It would be inaccurate to state that, by definition, sexual conduct is non-consensual.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or debate? Seeing none, are we ready to vote?

Mrs. Amrit Mangat: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Shall the motion carry? This is a recorded vote again, I’m assuming?

Ayes

Jones, Martow, Sattler.

Nays

Anderson, Dhillon, Malhi, Mangat, Vernile.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Shall schedule 6, section 1, as amended, carry? Carried.

There are no amendments to schedule 6, section 2.

Shall schedule 6, section 2, carry? Carried.

Shall schedule 6, section 3, carry? Carried.

Shall schedule 6, section 4, carry? Carried.

Shall schedule 6, section 5, carry? Carried.

Shall schedule 6, as amended, carry? Carried.

We had deferred, at the beginning, talking about the sections. So we’re going to refer to sections 1, 2 and 3.

The first question is, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Now we have to address the preamble, the title and the entire bill.

Shall the preamble of the bill carry? Carried.

Shall the title of the bill carry? Ms. Jones?

Ms. Sylvia Jones: Respectfully, I would like to suggest that the title should say “with respect to student sexual violence, sexual harassment, domestic violence and related matters”.

The Vice-Chair (Mr. Jagmeet Singh): Would you like to bring a motion that effect?

Ms. Sylvia Jones: Yes, I would.

The Vice-Chair (Mr. Jagmeet Singh): Really? I don’t know how to do that. I’ll have to ask some questions.

Yes, it can be done, so we’ll have to draft it.

Ms. Sylvia Jones: Don’t you have to ask for unanimous consent for that because it wasn’t done in time?

The Vice-Chair (Mr. Jagmeet Singh): In this case what we can do is, because it’s not a time-allocated bill, you can actually take the time now to put that forward in writing if you like and then it could be brought forward as a motion, and then we would vote it. I think that’s the only way. You can do anything on a unanimous consent, but that’s the way, if you want.

If you would like to do that, you’d have to just bring the motion and write it up. We would have to make sure everybody can see it, and then we can do that.

We’ll take a brief recess to accommodate this motion.

The committee recessed from 1740 to 1748.

The Vice-Chair (Mr. Jagmeet Singh): The committee is back in session. There is a new motion before you. I’ll ask the mover to move the motion and then make some brief comments, because I’ll be making a ruling with respect to the motion.

Ms. Sylvia Jones: Thank you for your indulgence, Chair.

I move that the title of the bill be amended by striking out “with respect to sexual violence” and substituting “with respect to student sexual violence”.

Very briefly, Chair: There were over 60 amendments brought forward, and it became very clear that the government wanted to narrowcast down Bill 132 to protect students—absolutely, a laudable goal—but I think we are missing an opportunity, quite frankly. Let’s call a spade a spade: Bill 132 is about protecting students from sexual violence; it’s not about anyone else on a post-secondary campus.

The Vice-Chair (Mr. Jagmeet Singh): Okay, Ms. Jones. Anyone else would like to add any comments? Ms. Malhi.

Ms. Harinder Malhi: We're obviously not going to be supporting the motion. We feel that four out of six sections of the bill don't deal with students. That's pretty much—

The Vice-Chair (Mr. Jagmeet Singh): Okay. No further discussion on that?

My ruling on this is that there are a number of sections that deal with matters that are outside of students, so to call the bill "student sexual violence" would not match with the other schedules of the bill which address workplace safety and other areas that are not limited to students.

Although I understand Ms. Jones's point, I'll be ruling the motion out of order.

Shall the title of the bill carry? Carried.

Shall Bill 132, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Yes.

Okay. Thank you, everybody. It's been a hoot.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): This is a serious topic, and I shouldn't be joking, but it was great spending time with you all. Thank you all.

The committee adjourned at 1750.

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Official Report of Debates (Hansard)

Monday 7 March 2016

Journal des débats (Hansard)

Lundi 7 mars 2016

Standing Committee on Social Policy

Supporting Ontario's
First Responders Act
(Posttraumatic Stress
Disorder), 2016

Comité permanent de la politique sociale

Loi de 2016 d'appui
aux premiers intervenants
de l'Ontario (état de stress
post-traumatique)



Chair: Peter Tabuns
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 7 March 2016

Lundi 7 mars 2016

*The committee met at 1400 in room 151.*SUPPORTING ONTARIO'S
FIRST RESPONDERS ACT
(POSTTRAUMATIC STRESS
DISORDER), 2016LOI DE 2016 D'APPUI
AUX PREMIERS INTERVENANTS
DE L'ONTARIO (ÉTAT DE STRESS
POST-TRAUMATIQUE)

Consideration of the following bill:

Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder / Projet de loi 163, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail et la Loi sur le ministère du Travail relativement à l'état de stress post-traumatique.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. I'm calling this meeting to order to consider Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder.

Pursuant to the order of the House dated Wednesday, March 2, 2016, each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus.

I ask committee members to ensure that questions are relevant to Bill 163. It helps tremendously. Keep them brief so that witnesses have a maximum amount of time to speak. Is there any question before we start in?

There being none, I just want to note that we need to give instruction as to when the summary will come to you. I've talked with research. Realistically, we can have a summary by Monday the 14th. Is that acceptable to the committee? Done. Okay.

CANADIAN MENTAL HEALTH
ASSOCIATION, ONTARIO DIVISION

The Chair (Mr. Peter Tabuns): So, first witness: the Canadian Mental Health Association, Uppala Chandrasekera and Joe Kim. If you'd have a seat and introduce yourself for Hansard. Just before you get

through your 10 minutes, I'll interrupt and say you've got to wrap up.

Ms. Uppala Chandrasekera: Okay, great. Thank you so much, Mr. Chair. Hello, everyone. My name is Uppala Chandrasekera. I'm director of public policy at the Canadian Mental Health Association, Ontario division. Here with me is Joe Kim, our director of communications. Our CEO, Camille Quenneville, regrets that she couldn't be here in person today, so we bring greetings on her behalf.

For those of you who might not know about us—CMHA—we are the largest community-based mental health and addictions provider in the country. We exist in 120 communities coast to coast. In Ontario, we have 31 branches, and that's where individuals can get front-line support services—anything from clinical services to counselling to case management, court support, housing, etc.

We commend the Minister of Labour, the Honourable Kevin Flynn, and the Minister of Community Safety and Correctional Services, the Honourable Yasir Naqvi, for proposing this legislation. We also commend all parties in the Legislature for unanimous support of this bill during second reading and especially MPP Cheri DiNovo for all of her efforts on this issue.

We understand that the intent of this legislation is to prevent and mitigate the risk of PTSD among Ontario's first responders. First responders face a number of unique stressors in their workplaces that make it that much more important to prioritize mental health and well-being. While any negative or unpleasant event can be stressful, exposure to crime, violence and other dangerous situations common in this field can be particularly stressful and can seriously impact one's mental health.

Exposure to these situations can be traumatic. They can be frightening, overwhelming or cause a significant amount of distress. Everyone can experience these situations, and people can react differently to them. They might feel nervous, have trouble sleeping, or revisit them in their minds. Such reactions are normal and tend to decrease over time, allowing people to get back to their daily lives.

When these reactions are more intense, last for an extended period of time or severely disrupt one's life and mental health, then PTSD may be present. When these reactions are a result of experiences in the workplace, PTSD can be classified as a type of operational stress

injury. An operational stress injury is any persistent psychological difficulty that results from operational duties, such as law enforcement, combat or any other service-related duties.

We are pleased that this proposed legislation would establish a presumption that PTSD, diagnosed in first responders, is related to their work, easing their access to Workplace Safety and Insurance Board benefits and better supporting their recovery. This important legislation marks a positive step towards ensuring that the mental health needs of first responders are adequately met in a timely manner.

CMHA Ontario understands the unique operational stressors that first responders face in carrying out their daily professional duties. Numerous studies have shown that these stressful situations can increase the risk of PTSD in first responders. The stigma that exists around the reporting of PTSD, paired with inadequate support, can have tragic consequences. By acknowledging the stress and trauma that first responders experience on a routine basis and providing them with accompanying support, we better promote and value their health as they provide Ontarians with their invaluable services every day.

While CMHA Ontario supports Bill 163, we believe that the list of identified workers it will apply to is too narrow and should be expanded to include additional groups. I am referring to "Application," subsection (2) on page 4.

Some workers not identified in the legislation may face similar operational stress injuries as first responders and be prone to a similarly elevated risk of developing PTSD: Probation and parole officers are routinely exposed to stressful situations and traumatic incidents as a result of their daily work and should be afforded the same supports through Bill 163. Privately contracted security professionals, especially those who are contracted to work in correctional facilities or detention centres, should be included in Bill 163. Further, individuals who provide security services outside of correctional institutions, for example in hospitals, regularly provide close assistance to first responders or perform similar duties in their stead in stressful and traumatic situations. Security professionals face the same heightened risk of developing PTSD and also merit support offered under Bill 163.

CMHA Ontario is also concerned about the proposed criteria that would entitle identified workers to receive PTSD-related-to-workplace insurance benefits. Here I'm referring to "Entitlement to benefits," clause (3)(c) on page 5.

Bill 163 would entitle an eligible worker to PTSD-related benefits provided that they have been diagnosed no later than 24 months after their last day as an applicable worker. This timespan deserves further consideration. A worker may begin to experience negative effects resulting from on-the-job exposure to stressful situations or traumatic incidents long after the traumatic event has taken place. The resulting symptoms of PTSD can thus

begin to take place much later than 24 months and may take even longer to be noticed and diagnosed properly. The stigma surrounding the reporting of PTSD may additionally delay workers in seeking out a diagnosis after the initial experience of related symptoms.

We recommend that the Standing Committee on Social Policy further examine the time period when benefits provided by Bill 163 will be made available to workers following a diagnosis of PTSD.

CMHA Ontario would like to partner with the government of Ontario in the implementation of Bill 163. We have a long history of providing support to employers and employees in addressing mental health in the workplace.

Our Mental Health Works program, which is a social enterprise of the CMHA, has for the past 20 years successfully helped workers deal with operational stress and reduce the stigma associated with seeking help.

In line with the intentions of Bill 163, Mental Health Works has a new adaptation specifically designed for supporting professionals in the justice sector, including police officers, legal professionals, correctional employees and security professionals. The Mental Health Works program is tailored to meet the needs of each audience and provides practical strategies for addressing operational stress and promoting mental health in the workplace.

Thank you so much for the opportunity to respond to Bill 163. We'd like to offer our support as your committee deliberates on this further.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. We'll go first to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you very much for your presentation. What can you suggest not just to deal with post-traumatic stress once it occurs, but what do you think government can do to help people recognize the signs? I think that's where there's a lot of misinformation. People just don't seem to have the awareness.

Ms. Uppala Chandrasekera: From our perspective, talking about it is the first thing. There's so much stigma and discrimination surrounding mental health issues and people are very afraid to talk about it, especially in high-stress work environments. I think encouraging employers to talk about mental health and promoting mental health in the workplace is the first step. That's part of the work that we do through our Mental Health Works program but also on a day-to-day basis. We do a lot of education to say, "It's okay to talk about mental health," because that's the first step to getting help and support.

Mrs. Gila Martow: Do you feel that we could be asking, not waiting for people to initiate the conversation, but that there could be a regular protocol—maybe each year that people are asked, "Do you have any of the symptoms of post-traumatic stress?"

Ms. Uppala Chandrasekera: For sure. I think supervisors and managers have an added responsibility. They should be routinely checking in and seeing what's going on, because sometimes the impact of PTSD might not be

relevant for a while. It might be that the person is coming in late or missing their shifts, or it might pose as a work-related issue and, really, you need to sit down, have a conversation and see what's going on before you can understand what's really happening to the individual.

Mr. Joe Kim: Pardon me. If I could just finish that, through you, Mr. Chair: All the public discourse is great if we can reduce that stigma and discrimination, but we also have to make sure that there are supports available. What we're finding is that the more we're talking about PTSD or any mental health issue, the lack of that follow-up support is quite problematic when people are searching for the right supports.

The Chair (Mr. Peter Tabuns): Mr. Nicholls.

Mr. Rick Nicholls: Thank you so much for coming in and sharing with us your thoughts and viewpoints on this.

A question that I have for you is, when it comes to mental health work issues and so on, do you currently use any tools that will assist in, first of all, helping to identify PTSD in an individual and/or triggers that may in fact create a flashback of horrific instances that an individual may be experiencing?

Ms. Uppala Chandrasekera: Absolutely. Our Mental Health Works program is specifically that. We come into workplaces and educate employers and employees around signs and symptoms of what PTSD and operational stressors can look like. We also examine depression and anxiety, and we provide tools and tips: How can you have the conversation? Where are supports available in your community to support individuals? Especially for employers, supervisors and managers, it's very difficult to have that conversation. We don't live in a society where we talk about mental health every day, so we support employers in having those conversations.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with the official opposition. We go to the third party: Ms. DiNovo?

Ms. Cheri DiNovo: Thank you for your presentation. Can I call you Uppala? I feel like I know you from your days in Parkdale.

Ms. Uppala Chandrasekera: Sure. Thank you.

Ms. Cheri DiNovo: I have a question about protocols, because part of the bill is going to be that the minister has the ability to ask employers for protocols post a critical incident, for example, with employees. I'm wondering if you have developed such protocols at the association and if those might be useful for employers.

Ms. Uppala Chandrasekera: That's a very good question. Through our Mental Health Works program, again, we teach people how to have these conversations. Debriefing after critical incidents is very important. As a clinician myself—I'm a trained social worker—any time an incident happens, you do need to sit down and talk about what's happened and then immediately provide support and assistance. As a manager, it's important that if you're about to have this conversation with your employee, you have resources ready in your back pocket so you know where to call, you know the number for your local CMHA, you know where to go to get help, so

that you're not talking to the individual without having some solutions and support in your back pocket.

Mr. Joe Kim: Ms. DiNovo, if I could just add that a significant strength of our organization is the fact that we have 31 branches across the province and each of them brings a certain level of expertise to certain issues. Development of this protocol—we might not be aware of it at the Ontario divisional level, but these things could be happening at the local level and it's easy for us to canvass out to our branches to find out.

Ms. Cheri DiNovo: I also just wanted to make a comment on your inclusion of probation and parole officers, something that we're certainly planning on acting on, and also of course extending the 24-month period. I think you're dead on on that.

I think that's it for me.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: To your point earlier about this bill, that you would recommend that it be expanded: Whether it is or it isn't, I think certainly mental health is not going to be something that we stop talking about.

Moving forward, you've talked about operational stress. There are a number of other workplaces and jobs out there that maybe don't fall under the first responder umbrella. What would you be willing to commit to the government in terms of partnership and helping guide the next chapter of supporting our workers across Ontario?

Ms. Uppala Chandrasekera: For sure, our Mental Health Works program is a nationally available program. It's available through our 31 branches in Ontario. We do have extensive partnerships with law enforcement individuals and legal professionals. For example, we're just about to embark on Mental Health Works training for legal professionals because we recognize that in that area, there's an increased risk of suicide and self-harm in that profession. We're here to help in any way that government would like us to.

The Chair (Mr. Peter Tabuns): And with that, I'm afraid we're out of time with this questioner. We go to the government: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for coming in today. I know, as a health care provider myself, I very much appreciate your focus on prevention of PTSD in the first place. I know that Ontario recognizes that preventing PTSD in the first place is going to be very important. Having supports to look after those individuals who do end up with PTSD is also important, but also our focus on education and awareness is going to help to decrease the stigma of this in the first place, so I appreciate that.

The proposed legislation requires employers to submit to the Ministry of Labour, on request, a PTSD prevention plan for the workplace. I was wondering what your thoughts are on amending the Ministry of Labour Act in this way.

Ms. Uppala Chandrasekera: We certainly support that. Again, I think having the conversation around mental health in the workplace is really important. Our branches also offer training called safeTALK. It's

suicide-prevention training. We'd really encourage employers to take that. It's really practical tools and tips to assist employees in the workplace.

Mr. Joe Kim: Further to that, I think once a year for that reach-out point is certainly welcome, but the way we envision workplace mental health is that that process should be continuous, not just confined to one in the year where you're reaching out to find out about if your members or your employees are living with certain mental health issues. This should be an ongoing conversation at the workplace.

Mrs. Kathryn McGarry: That's great. As I said, I know that you know how critical it is to do that early assessment with critical incident debriefing sessions as needed. Diagnosis and intervention can—early enough treatment will certainly help.

But I'm just wondering if there's anything else you'd like to make sure that this committee is aware of, given your background.

Ms. Uppala Chandrasekera: I think certainly tracking, like you suggested, if it's once a year but maybe more regularly because that's how you will know what the uptake is and what the need is in the population of workers. That way, you can track. If there's an increasing need, you can provide increased supports to those populations. So I think data is very important in this whole conversation.

Mrs. Kathryn McGarry: And do you have any suggestions on how that data could be shared? Each organization certainly will be aware of what their members face, but do you see that there's benefit in sharing some of those tools with other organizations to get a more consistent approach?

Ms. Uppala Chandrasekera: For sure. WSIB data is shared already, right? So you would, I think, add that to this. That way, you could track over time: Is there a decrease in the number of claims around PTSD, or is there an increase? That way, use that as a planning tool to provide support to the employers.

The Chair (Mr. Peter Tabuns): And with that, I'm afraid you're out of time. Thank you very much for your presentation today.

Ms. Uppala Chandrasekera: Thanks very much.

CUPE ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenters are CUPE Ontario: Chris Day and Jeff Van Pelt. As you probably heard, you have up to 10 minutes to present. If you'd have a seat and then introduce yourselves for Hansard.

Mr. Jeff Van Pelt: Hello, and good afternoon. My name is Jeff Van Pelt. I come to you from Durham region. I am a paramedic of 20 years. I am the chair of the CUPE Ambulance Committee of Ontario. With us today is my vice-chair, Chris Day, who comes to you from Renfrew county. Unfortunately with regrets is our president Fred Hahn, president of CUPE Ontario.

We represent approximately 6,000 paramedics in the province, as well as a large portion of the communication officers. You know them as dispatchers in this province. While I don't presently actively have a diagnosis of PTSD myself, I recognize that there is a significant chance in my career or the career of my peers that they may experience these symptoms. Having this legislation go forward is, I would say, essential to protecting paramedics and the paramedic workers in this province.

Every day we come to work and we come to work with one goal in mind, and that is to help people. That's the nature of our jobs; it's the nature of our business. Some days we come into work; unfortunately, some days we don't go home. Some days we come to work and we are fortunate enough to go home, but we go home a different person than that who came to work that morning.

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This legislation will allow for paramedics who are feeling the symptoms of PTSD to seek treatment—to seek treatment so they can continue to work and have a good home life. For those who are presently off work or those who would be off work fighting the effects, or the demons, associated with PTSD and mental health illness, this legislation will allow for them to return to work sooner than they would presently. That's beneficial to not only our paramedics; it's beneficial to our employers and, I would say, critical to our families.

Most important, I hope, is that this legislation will allow people to fight the stigma—the stigma that is associated with a mental health illness—so that we will never lose another paramedic or first responder in this province going forward.

Bill 163, we say, is a sign of hope. It's a sign of hope for each and every paramedic in this province. Should this bill pass, it will send a message that somebody will always be there for our paramedics when they need help, as they have been there for many countless years in their careers.

I think we'd be remiss if we didn't also thank Cheri DiNovo of the NDP for starting us on this path. We hope this culminates in the passing of this bill. We believe that without Cheri DiNovo initially being a champion for this cause, we may not be here today.

To the PC leader, Patrick Brown, we wish to thank him as well. From his first day speaking from the chair, he spoke up about being responsible and about engaging our politicians and recognizing the need for this bill. At that time, we were talking about Bill 2.

To Minister Flynn and to Yasir Naqvi, paramedics from across the province thank you for putting this bill forward. This puts the health and safety of paramedics and first responders at the forefront.

One critical change we would like to see is a retro-activity period from 24 months to a minimum of five years. We see a lot of members falling through the cracks today. We'd hate to see this opportunity lost and losing members because we didn't go back far enough. We're so close to passing a crucial bill that does nothing but good things for paramedics in our communities. Let's take that next step and welcome this bill in together.

The Chair (Mr. Peter Tabuns): Thank you very much. Our first question, then, to the third party: Ms. DiNovo.

Ms. Cheri DiNovo: I want to take a bit of my time to just mention that Shannon Bertrand, who is a paramedic sitting back in the audience—not coming forward to testify to us—was the woman who first brought this to my attention eight years ago by walking into my constituency office. So I wanted to acknowledge that she's here and say thank you yet again.

You mentioned the five years plus, and we're certainly in accord with you on that. We think that that 24 months needs to be lengthened.

Thank you for everything you do for us all the time.

A question about family involvement: Again, this goes back to the protocols that are part of this bill, which the minister has said that he's waiting to see from employers. It strikes me that a lot of first responders may suck it up on the job but may be acting out and showing their symptoms at home with their family. I'm just wondering if you had some insight around that, how to involve families more in this.

Mr. Chris Day: Sure. Thank you very much for the question. One of the things that we have noticed is that lots of paramedics across the province, and first responders in general, feel that they are not able to properly have the tools to be able to give spousal supports—whether it's mom and dad, husband and wife, children—and let them have an avenue to get the assistance that they potentially need and the tools to help learn about looking for the signs.

It's one thing if my employer sends a package to me through my county email and says, "Here you go. These are the steps you need to do." But if I'm not proactive and take that home to my partner, then she's not going to have those tools to say, "You know what? Chris is not sleeping well. These nights he's waking up with night terrors and sweats. He's angry with the kids. What do I do? Who do I talk to?" Some of those tools aren't there, and I think it's something that we definitely need to bring forward and address.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: Welcome. It's nice to see you.

You had mentioned that dispatchers are underneath your umbrella. We see in the "Application" section, (2)12, "Workers whose duties include dispatching the workers described in paragraphs 1 to 5." Is that language appropriate? Are there other members who need to be included—that their description might be something other than dispatcher? I'm thinking of 911 operators. What would the language need to be to be appropriate?

Mr. Jeff Van Pelt: It's a fantastic question. When we talk about dispatchers—in CUPE, we call them ambulance communication officers—first of all, we need to be clear that our dispatchers are recognized from every board, not just paramedic dispatchers. We're talking about police dispatchers and anybody in the health care industry. If you're asking me a pie-in-the-sky question, in

a perfect world, anybody in the health care industry would be recognized under this legislation.

When we first put this legislation forward, we actually didn't include our ACOs; we missed them, regrettably. Those are our members, and we recognize that they need to be seen and heard because they are a critical part of that chain of survival.

Part of that chain of survival also includes the people who take the call for us to pick up the patients, to the people who are receiving these patients when we see them in the hospital. We have only a short time with them. Some people in the hospital, such as nurses and physicians, spend hours and days with them, and ultimately—pie in the sky—we'd like to see them as well.

The Chair (Mr. Peter Tabuns): I'm afraid that we've run through your time with the third party.

We'll go to the government. Mr. Anderson.

Mr. Granville Anderson: Thank you, Chris and Jeff, for being here. This resonates with me. I have a daughter who's a paramedic—she just started in January with York region—so this is a welcome bill for me as well.

As you know, there continues to be a great deal of stigma associated with PTSD. As a CUPE member who represents almost 6,000 paramedics all across Ontario, as you alluded to, I'm interested to know what initiatives you think should be taken to reduce the stigma among your members.

Mr. Jeff Van Pelt: Again, that's a terrific question.

One of the first things we've recognized is education. If you had asked me five years ago about PTSD, I would have said it's something that's associated with our soldiers. I wouldn't have thought it was something we had in our industry. Education means that when someone says, "That person is burnt-out"—well, "burnt-out" has a different connotation to it nowadays. I heard the other member talk about talking. The first thing we can do is talk to somebody. In this industry, we've always been taught to suck it up; you don't take the job home. That meant that sometimes our families didn't know what we were dealing with, so they wouldn't have the tools to deal with it. Our employers didn't have the tools, and that's through no fault of our employers, because how would they know what PTSD was? Again, if I'm a front-line worker and I don't know what it is, how could they be expected to know that? So, certainly, we have education as a large component.

We did like what we heard in the announcement about how there would be the web page and other ways of educating people. We hope that that's not just a web page. Again, not knowing what's coming, we can only put our faith out there.

I think, number one, we look at outside agencies that have had a lot of success in this, like the Tema Center group. They are the people who really started raising awareness and, some people might say, arguably, the experts in the industry. They certainly know more than, say, Chris or I would know about this. That's a beginning. We can't be afraid to ask questions in this industry about what would be better, and we can't be afraid to try

things, because it's better that we try things and they don't work than do nothing at all and continue to see what has been going on, and that's losing our members.

Mr. Granville Anderson: Can you explain how those initiatives, along with this bill, would impact the profession? You alluded to the signs. What signs should a family member, such as a spouse etc., look for? And explain about being proactive. What do you mean?

Also, you mentioned going back five years. Could you explain where that number came from?

Mr. Jeff Van Pelt: Well, if you asked me—again, pie in the sky—I'd say go back indefinitely. I think sometimes when we come in and we're asked to give a solution, we have to give a definite solution. I'd say, can we go back to 1950? I would love that. Paramedics go back probably to the 1970s. In a perfect world, we would do that.

I missed the other part of that question; I'm sorry.

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Mr. Granville Anderson: Yes, okay. In the education piece, how would you go about, when family members or a spouse etc. are identifying the symptoms—

The Chair (Mr. Peter Tabuns): Mr. Anderson, I'm sorry to say that you've run out of time. We'll go to the opposition: Mrs. Martow?

Mrs. Gila Martow: Thank you for your presentation. We keep hearing stories of first responders and police officers who spend hours and hours in emergency rooms waiting to get patients admitted. It could be a physical problem, but very often it's mental health problems; very often, it's repeat mental health crisis management that's needed. I think that adds to the stress of the job, and that's my question to you: that it's not just dealing with what people consider to be stressful situations such as a car accident, where you see somebody in horrific pain or distress, but it's also the frustration and the stress of the actual job. Do you have any comments on that?

Mr. Jeff Van Pelt: What you're speaking about is offload delay. It's something that is relatively new in this industry. We've seen it getting worse and worse. It does cause us to be sitting for countless amounts of time—and some services are worse. In a community like Toronto, the 416, you may see some paramedics not even leave the hospital in that shift, which unfortunately means they're not out doing the important work that they do in the communities. Some of that is related to cutbacks in the mental health industry.

I think a lot of our problems as well are that we're not educated on how to treat people with mental health injuries, so if we don't recognize it ourselves, how can we treat someone who has it in the field? Mental health illness and mental health injuries are not something we are going to deal with on an emergency basis. We have a short-term plan and we have a long-term plan. The short-term plan for us is we get them to the appropriate facility, and sometimes, not every hospital has the appropriate conditions or the appropriate doctors there. So maybe part of the plan is we have the right people going to the right hospitals to see the right doctors.

Mr. Chris Day: I think a follow-up to that is—we have it in Renfrew county. I'm pretty sure the previous speakers could address this even better than I can, but we did a program called the LEAD program, which was a multi-agency, two-day training program where we were given the phone numbers for the acute mental health crisis team, and we carry them in our trucks.

If we're seeing somebody that's in a mental health crisis, we can call that. It's a pager system, and we can activate that team. Lots of times, we've been able to have them come right to the residence and then take over care there so that they, who are the experts—the mental health counsellors—can make the decisions of what is best for that client, especially if there is not an acute emergency health issue.

If it's strictly more of an acute mental health concern, they're able to manage that patient better than we are, and they can possibly bring that person to the right facility instead of an emerg room, which is, as you stated in your question—whether it's us or the OPP, for example, or city police then having to stay on duty until the transfer of care actually takes place, which is something that happens quite frequently.

Those programs are something that is definitely a tool that can be used, and I'm not sure if they're 100% utilized throughout the province.

The Chair (Mr. Peter Tabuns): I'm sorry to say, but with that, your time is up.

Mrs. Gila Martow: Perfect timing.

The Chair (Mr. Peter Tabuns): Very good. On to the next presenter.

Thank you very much, gentlemen.

ONTARIO PROVINCIAL POLICE ASSOCIATION

The Chair (Mr. Peter Tabuns): I have the Ontario Provincial Police Association: Rob Jamieson and Chris Hoffman. Good day.

Mr. Rob Jamieson: Good day, sir.

The Chair (Mr. Peter Tabuns): As you've heard, you have up to 10 minutes to present, and then there will be three minutes per caucus for questions. If you're about to run over time, I'll let you know. If you would introduce yourself for the purpose of Hansard, and take it away.

Mr. Rob Jamieson: I'm Rob Jamieson, president and CEO of the Ontario Provincial Police Association. Hello. Bonjour.

Mr. Chris Hoffman: Good afternoon. My name is Chris Hoffman. I'm the vice-president of the Ontario Provincial Police Association, or OPPO for short. I'm joined today by my OPPOA president, Rob Jamieson. We would like to thank the committee for providing us with the opportunity to address one of the most important issues facing our members today: PTSD and first responders.

We applaud and thank all three parties, the Minister of Labour, Kevin Flynn, and the Minister of Community

Safety and Correctional Services, Yasir Naqvi, for supporting Bill 163. Additionally, our special thanks to the MPP for Parkdale–High Park, Cheri DiNovo. She has been a tireless advocate for presumptive legislation to address PTSD in first responders. Her effort to date has played a very large part in advancing this legislation to where we are today.

While the OPPA supports Bill 163 and deeply appreciates the intentions of the government to address this issue, we respectfully suggest that there are a couple of areas that require further strengthening to ensure that the bill properly addresses not only the needs of our members who currently serve in uniform, but those members who serve beside them in parallel civilian roles. Additionally and not to be forgotten are our retired members who served the citizens of this province for decades.

Take, for example, a call taker and dispatcher at the Smiths Falls provincial communication centre. At 5:50 a.m. on May 17, 2007, she received a call from a woman asking for help. Her husband was drunk and yelling at her. The call taker spoke to both parties and instructed the husband to wait outside of the residence. He didn't comply. With our member still on the phone, the husband grabbed a knife and began stabbing his wife. She listened helplessly as a woman on the other end of the phone was stabbed to death.

Bill 163 proposes that paragraph 12 of subsection 14(2) provide the presumptive component of the legislation to workers whose duties include dispatching the workers described in paragraphs 1 to 5. A person acting as a call taker on a particular shift is not functioning as a dispatcher on that day. However, they are trained dispatchers who rotate between the call-taking and dispatching roles.

Although we trust the wording contained in paragraph 12 of subsection 14(2) would cover our members regardless of whether they're speaking with the public in a call-taking role or dispatching resources in the dispatcher role, we would like to see this amended to read "communications operators whose duties include call taking, taking calls for service from the public and dispatching the workers described in paragraphs 1 to 5."

This amendment would also cover off any members who have just started in a provincial communications centre, as their training begins with call taking but does not proceed to dispatching responsibilities until later in their training.

While the government has identified the need to include our civilian members working in communications centres in this legislation, it would appear that a vast number of our civilian members who work directly alongside our uniformed members have been forgotten. Civilian members of the OPPA are unique in that they perform parallel roles and duties to those of our uniformed members or are integral team members who are exposed to the same traumatic stressors on a regular basis.

For example, many members who work in our forensic units are civilians. Imagine being called to the crime

scene where the dispatcher we just spoke of listened to the victim being murdered. Your job now is to process that scene. You take samples of DNA. You take photographs and measurements. Then, in the days and weeks ahead, you find yourself simply unable to cope with what you've seen. The memories of that day—the sights, the smells—overwhelm you to a point where you cannot eat or sleep, let alone come into work.

The uniformed officer who attended that scene may be having the same issues, but will have the benefit of this presumptive legislation. The civilian member, who works side by side with that uniformed member, would be left to plead their case through an exhaustive WSIB process which would force him or her to relive the trauma that they're desperately seeking help for.

The violent crime linkage analysis system's unit, ViCLAS for short, is another example of civilian staff working with uniformed members. I don't have to tell you the horrors that members of this unit endure on a daily basis in the name of protecting our communities. Detachment administration clerks and civilian data entry clerks coordinate graphic evidence for violent offences and record interviews conducted with witnesses of violent crimes. Those in the behavioural sciences unit deal with the worst of the worst.

And then what of our special constables, including members of the offender transport unit, who are a key part of this province's correctional system and are exposed to the same issues as workers in correctional institutions? This oversight needs to be addressed. Civilians and special constables working side by side with our uniformed members must be identified and afforded the same protections under this legislation.

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This leads to another omission in Bill 163: our retired members of the OPPA and those previously denied a claim for workplace PTSD by the WSIB. We know now that first responders are at least twice as likely to suffer from PTSD as opposed to members of the general population. In addition, research data provided by the Tema Conter Memorial Trust shows that the rate of PTSD in police services is between 10% and 12%. Think about that for a second. The OPPA represents almost 13,000 active uniform, civilian and retired members. This means that we may very well have approximately 800 current and former members who are at this very moment suffering from injuries that are not easily seen.

We also know that PTSD can result from a single traumatic incident or from a culmination of years or even decades of exposure to traumatic stressors. This legislation before us essentially allows for eligible, active and recently retired members who have been diagnosed with PTSD to be covered.

We need to ask ourselves, was it any different for our members who retired in the 1980s, the 1990s or even in the early 2000s? For our current members, is it really any different from being diagnosed with PTSD five, 10 or 15 years ago? It was further complicated with the stressors of a denied WSIB claim than it is for a member who was

diagnosed in the last 24 months. I submit that the traumas experienced by our members have not changed in the 61-year history of the OPPA and that to presume that PTSD in our members occurred while performing their duties is logical.

To make retired members go through the process of trying to prove to the WSIB that it was work-related is nothing short of a slap in the face to those who have spent, in some cases, decades serving and protecting their communities. PTSD is often suppressed, only to resurface later, with traumatic results. These members are no less deserving of our help.

To that end, we propose the insertion of wording into the legislation that would deduce that PTSD in all eligible uniformed and civilian police service employees, whether active or retired, arose from the performance of their duties. In addition, we'd recommend that section 14(9), "No refiling of claims," be deleted from this bill. This would allow our members who suffer with PTSD access to adequate resources under the new presumption. The amendments we're requesting will ensure that all at-risk current and former police personnel are afforded protections under this act.

In closing our submission, we'd like to note that it's our collective responsibility to act accordingly and work together to eradicate the stigma around PTSD and mental illness and policing without prejudice.

Again, thank you for this opportunity today.

The Chair (Mr. Peter Tabuns): Thank you for your presentation. We go first to the government: Mr. Colle.

Mr. Mike Colle: Thank you. I was just wondering: What is your association doing to reduce the stigma around PTSD?

Mr. Chris Hoffman: Our association has been actively involved with the OPP since 2012 and the release of the Ombudsman's report. We have one of our board members working hand in hand with the OPP Wellness Unit on programs to coordinate training and initiatives throughout the membership.

Mr. Mike Colle: How does the—

The Chair (Mr. Peter Tabuns): Mr. Colle, could you come closer to the microphone? We're not getting you the way we want on Hansard.

Mr. Mike Colle: Oh, sorry. How does the regular front-line officer get any information about strategies to remove the stigma? How are they included in this?

Mr. Chris Hoffman: One of the initiatives that has recently been undertaken by the OPP is the introduction of Road to Mental Readiness. Last year the OPP introduced this program, an eight-hour training program, to all managers within the OPP. In 2016 the OPP will be training all employees, uniform and civilian, in a four-hour Road to Mental Readiness program; it's an awareness tool.

Mr. Mike Colle: But up until now, there hasn't been any front-line—does that take more money or just a refocusing? What has to be done?

Mr. Chris Hoffman: Essentially, the resources have existed for some period of time. Employee assistance

programs have been around; critical incident support units have been around—especially in policing—for several years. I look back early in my career; they've been around for 30 years in different forms. They have evolved over the years.

Any time a member is involved in a critical incident, the critical incident support unit is activated. All members have access and are made aware of the employee assistance programs that are available through the OPP and are actively encouraged to access those resources when they experience any of the issues or a critical incident that they're involved in.

Mr. Mike Colle: I guess what I'm trying to get at is this: The OPP are just like a reflection of society in general, but you're in the front lines. Not enough of us really understand the reality of this kind of trauma and how we deal with it as human beings to make sure that our fellow human beings get the attention and the sensitivity they need.

Mr. Rob Jamieson: I'm going to jump in, if I could, on that. Absolutely. I think it comes down to leadership and our association getting out in front, along with other first responder associations as well, addressing this head-on and being leaders within our communities to say, "Hey, listen. There's an issue here." Working with governments as well to bring forward the legislation and supporting that and to truly—

The Chair (Mr. Peter Tabuns): I'm sorry to say that we've run out of time with this questioner. We have to go to the official opposition. They may ask you to continue your thought. Mr. Nicholls?

Mr. Rick Nicholls: Thank you very much, Chair. Chris and Rob, thanks so much. It's good to have you here and to hear your reasons why we need to expand this particular bill.

One of the things that I've noticed—and I guess we've had some discussion on this in the past—is that you can't really write the script for a first responder. They can tell you what the duties and responsibilities are, but until you experience that very first incident, you really never know just what physical, emotional and mental impact that can have.

Chris, we could even talk about September 3, 1999, on Highway 401 at Essex County Road 15 and the impact, because you and I were both there: you as a first responder and me as being part of that accident. It's something I'll never forget.

With that, I looked at it, and I think that when it comes to, especially with your officers—again, I raised this question earlier about tools. For me, tools can be designed profile tools for police officers specifically that will assist in the determination of the effects that PTSD is having on one of your first responders, whether it be an officer or a special constable or even others. You had mentioned earlier your behavioural science unit as well. Are you looking at different ways of having a more specifically designed profile?

Mr. Chris Hoffman: Yes, there are a number of initiatives being undertaken. I had previously mentioned

Road to Mental Readiness, which is being offered to all employees within the OPP. It's actually expanding to the majority of police services across Ontario as well as the Ontario Police College, where that program has been introduced in recruit-level training.

The OPP Wellness Unit is also working on different applications, so to speak, to assist members in evaluating their mental health and wellness and being able to monitor that on an individual basis.

It's a continually evolving area of education. The biggest thing that we're doing now is talking about it. Simply having the conversation around the table that mental health exists in policing in our sector is the first step. Whatever we do, the biggest piece that we can do is create the awareness that it's out there and make individuals aware of the tools and access to care that's available to them.

The Chair (Mr. Peter Tabuns): With that, I'm afraid we have to go to the third party. Ms. DiNovo?

Ms. Cheri DiNovo: Thank you, Mr. Chair, and thank you so much for all that you do and for coming forward today, too.

We hear you about retired members. We absolutely agree with that. Particularly, those who were previously denied a claim or were prevented from refileing a claim: This goes to the hub of a real problem, I think, because in just about every case that I have in my office, from eight years going back, that's their situation. So we would be saying no in a sense to all of the folk whose stories we've been reading out in debate in the House if we were to say no to those who have already filed a claim and been denied. I think, again, that we really, really need that, so thank you for that.

I know Jen wanted to say something too.

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The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: I'll echo that: Thank you for coming in and thank you for the work that you've been doing on this. I think that between now and when this bill takes its final shape, we need to push the government considerably on this issue.

I think that perhaps—and the Liberal members can correct me if I'm wrong—there is an understanding that if someone has a new diagnosis, even if it's an existing condition, that somehow qualifies them. We need to see the solution in writing, so that there is no guesswork and so that for anyone who has a PTSD diagnosis on this list of those who would be covered, it does need to be presumptive coverage. So let's work and let's push, please.

We understand the need for this to be presumptive coverage. I know that the member opposite, Mr. Colle, in his remarks on the day it was introduced, called having to prove that it resulted from the workplace “like the Inquisition.” Can you speak to that process? Because if your retired members, your special constables and your civilians are not covered—they're eligible through WSIB, but what does that process look like? Why does it have to be presumptive for them?

Mr. Chris Hoffman: Currently, a number of the members who have gone through or are in the process of

going through the WSIB process—it's long and cumbersome. The access to a lot of the information for these individuals, who are off work most times—they don't have the access to the internal reports and access to notes on their past history that the employers retain on their behalf, so providing that information as a request to WSIB is often cumbersome.

The questions and the interviews through the WSIB process begin to reopen fresh wounds, and many times cause the majority of these individuals simply to not respond, which becomes further problematic in their process because it delays the claim.

Just recently a member was requested to send further information on a WSIB claim that had been approved and is now being re-evaluated. For this member, the simple receipt of a letter from WSIB asking him to provide additional information that had already been provided reopened that wound to a point where that member said he didn't know, if he had to go through this again, whether he would continue on living. And—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say that we're out of time.

Mr. Chris Hoffman: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

Mr. Rob Jamieson: Thank you very much. Nice to see you.

MR. SCOTT McINTYRE

The Chair (Mr. Peter Tabuns): Our next presenter is Scott McIntyre. Mr. McIntyre, sir, as you've seen, you have up to 10 minutes to present and then it's three minutes per caucus. If you'd introduce yourself for Hansard.

Mr. Scott McIntyre: I'm Scott McIntyre of the Ontario Ministry of Community Safety and Correctional Services, Probation and Parole.

Good afternoon, committee members, ladies and gentlemen. Again, my name is Scott McIntyre and I'm a probation and parole officer with the Ministry of Community Safety and Correctional Services. I'm also the Ministry of Community Safety and Correctional Services' provincial probation and parole health and safety worker rep. As such, I represent approximately 865 dedicated and professional adult probation and parole officers in Ontario.

I've been a correctional worker for over 25 years. For the first five years, I was a correctional officer at the Mimico Correctional Centre, which is now the Toronto South Detention Centre. For the following 21 years, I've been working as a probation and parole officer, living and working out of the North Bay office.

I'd like to thank you for allowing me to speak on amendments to Bill 163. As currently written, the bill is inclusive of first responders, such as police officers, firefighters and paramedics. It also covers correctional workers who supervise inmates in correctional institutions. Unfortunately, Bill 163 excludes probation and parole officers in its present state.

In Manitoba, Bill 35, the Workers Compensation Amendment Act, identifies post-traumatic stress disorder as “an occupational disease for presumptive workers compensation coverage” for a number of front-line workers, including probation and parole officers.

Probation and parole officers, also known as PPOs, are subjected to primary and secondary as well as vicarious trauma, all of which can and do result in symptoms associated with PTSD. Probation and parole officers are designated peace officers under Ontario legislation and, as such, they are responsible for protecting the public by managing offenders sentenced to serve their criminal sentence in the community. Probation and parole officers monitor offenders bound by probation orders, conditional sentence orders and parole certificates.

A PPO may supervise any one offender for years, three years being the maximum sentence that a single offender can be bound by a probation term. Probation and parole officers establish very close professional relationships with the offenders they supervise. They do their best to influence positive changes in their offenders’ attitudes in order to bring about more positive and productive pro-social behaviours in those clients.

PPOs are exposed to crisis situations and traumatic events during the course of their work and in the execution of their duties. Examples of such trauma include assaults and threats on probation and parole officers made by offenders, offenders’ family members and their friends, and suicides by offenders whom probation and parole officers closely supervise and work with in their attempts to rehabilitate. This includes receiving phone calls from suicidal offenders. Traumatic events such as sexual assaults, child sexual abuse cases and domestic violence are yet other examples.

One specific example that came to my attention in my capacity as the provincial health and safety worker rep for PPOs was in the fall of 2013, when a probation and parole officer at the Newmarket office was interviewing an offender under her supervision. Suddenly, the offender brandished a large knife in a probation office and began cutting himself with it, all the while telling her that he was going to kill himself right in front of her. Obviously, this was a very dramatic and traumatic event for not only her but the other staff in that office.

JOPIS is the justice officials protection and investigations section, which is a small 16-person unit in the Ontario Provincial Police whose mandate is to ensure the safety and security of justice officials. The correctional services incidents, as reported by JOPIS, in the six-year period 2009 to 2014, are assaults, threats, harassment and intimidation of correctional employees. In 2009, when they started collecting this information, there were only four incidents. Six years later, it skyrocketed to 114. That’s a 2,750% increase in the number of incidents involving assaults, threats, harassment and intimidation of corrections employees during that six-year period.

In my written submission, I’ve referenced a large number of studies, reports and documents, some of which I’ve provided copies of for the committee. The studies

are clear that probation and parole officers are subjected to trauma that can and does result in a diagnosis of PTSD. For that reason and on behalf of the hundreds of hard-working, dedicated and professional probation and parole officers, I respectfully request on behalf of my members that Bill 163 be amended to include probation and parole officers. Further, I would ask that the committee also consider amending Bill 163 to permit PTSD diagnosis by a medical practitioner, a psychologist or a psychiatrist. This would take into account officers who live in remote areas, particularly northern Ontario, where access to a family doctor can be very difficult. Getting access to a psychiatrist would be even more difficult, seeing as you have to be referred by a family doctor. Further, as Ontario public service employees, our benefits plan does not cover the services of a psychologist.

As you’re aware, the DSM-5 diagnostic criteria identify the triggers for PTSD as exposure to actual or threatened death, serious injury or sexual violation. It must result from one or more of the following scenarios: directly experiences traumatic event, which would be primary; witnesses a traumatic event, which would also be primary; learns a traumatic event happened to either a close family member or friend, which would be secondary; and, most importantly, experiences first-hand and repeated or extreme exposure to aversive details of a traumatic event. As probation officers, we continually hear from our clients, from our offenders and the victims of traumatic events. That definition in the DSM-5, we submit, falls within the parameters of our duties.

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With the remaining time that I have, I just want to draw the committee’s attention to a more recent study by Kirsten R. Lewis. She’s a leading trauma researcher. She’s also a veteran US probation and parole officer. In 2013, she attended the Probation Officers Association of Ontario symposium, where there were 156 full-time probation and parole officers employed by the Ministry of Community Safety and Correctional Services, representing approximately 20% of our membership.

During that symposium, she had the participants complete trauma surveys for the purpose of identifying their frequency of exposure to direct and indirect trauma. I’ll share with you a few of the findings: 10% of those 156 probation and parole officers reported having been assaulted while on the job; 69% of those PPOs have been threatened on the job; 19% have received death threats on the job. In addition to that, 27% supervised offenders who had killed someone during their period of supervision; 61% had supervised an offender who had recidivated or re-offended against a young child; 69% reported having supervised offenders who, during the period of supervision, sexually recidivated; 61% reported having supervised an offender who committed suicide while under their supervision.

In conclusion, PPOs most certainly experience trauma that can and does result in PTSD and, as such, it is our respectful submission that PPOs be included in Bill 163.

I’ll conclude my presentation and thank you. I’ll be happy to take your questions.

The Chair (Mr. Peter Tabuns): Thank you, Mr. McIntyre. We go first to the official opposition: Ms. Martow and then Mr. Coe.

Mrs. Gila Martow: Thank you very much for your presentation and for joining us today.

This past year, a gentleman on probation—I think it was in Renfrew–Nipissing–Pembroke, John Yakabuski’s riding—killed three women while he was on probation. In my mind, he was supposed to be attending anger management classes, but the probation officer unfortunately can’t enforce him going to anger management classes, which I find very peculiar.

What could you make in terms of suggestions to alleviate some of the stress of the job of a probation officer, not just in that specific case? I think that by not ensuring that people on probation get the treatment they need, that is adding to the stress of the probation officer.

Mr. Scott McIntyre: Thank you for the question.

We have a committee called the peer mentorship committee. It’s something that I actually co-chair. That exact issue is being raised at that committee. There need to be support groups. We’re advocating for trauma counsellors to be included in our employee assistance program, our EAP, which they’re currently not. They primarily have a master’s degree in social work. When we do go and enact our EAP benefits, a lot of times we’re not getting the proper treatment that we need.

The Chair (Mr. Peter Tabuns): Mr. Coe?

Mr. Lorne Coe: Thank you, Mr. Chair, and through you, thank you very much for your presentation. It was excellent.

Can you speak a little bit about the type of work you’re doing? You mentioned the peer mentorship committee. To what extent do you take into account families?

Mr. Scott McIntyre: The families of probation and parole officers?

Mr. Lorne Coe: Yes.

Mr. Scott McIntyre: There are two committees: There’s the peer mentorship, as well as the occupational stress injury committee. They’re independent, but they’re working toward the same goal of mental health.

We have not focused on a support program for the families. We recognize that the impacts of PTSD and trauma are equally impactful on them, as well. It’s a work in progress.

Mr. Lorne Coe: So going forward—you just mentioned that you anticipate putting in place trauma counsellors—do you think that you’ll be able to help some of the families who are experiencing PTSD, as well?

Mr. Scott McIntyre: The employee assistance program is also available to family members, so with the proper clinicians or professionals, that would be the primary avenue.

Mr. Lorne Coe: Thank you, Mr. Chair.

The Chair (Mr. Peter Tabuns): Mr. Nicholls, did you want to ask a brief question?

Mr. Rick Nicholls: Well, no. I’ll defer. We’ve covered it. It’s fine. Thanks.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

I’ll go to the third party, then: Ms. French.

Ms. Jennifer K. French: Thank you very much for coming in. That was a very comprehensive presentation. You mentioned that you have submitted copies of that.

Mr. Scott McIntyre: I have them with me.

Ms. Jennifer K. French: Okay. I’d like one. Thank you very much for the in-depth information. You referenced Manitoba and the presumptive legislation that probation and parole officers would be covered under as front-line workers. Interestingly, as this government was crafting this piece of legislation, they had both Manitoba and Alberta to look at. Alberta also includes peace officers, but in this case they’ve chosen to leave you out of this. Hopefully we can remedy that.

JOPIS: The statistics that you have are huge numbers in terms of the increase of assaults and whatnot. Who’s keeping track of statistics when it comes to our probation and parole officers in Ontario?

Mr. Scott McIntyre: We have a statistics department with the Ministry of Community Safety and Correctional Services, and it is that department that gave the occupational stress injury committee those statistics.

Ms. Jennifer K. French: Okay. So the employer is keeping track of the number?

Mr. Scott McIntyre: Yes.

Ms. Jennifer K. French: Good. Also, I’d like to thank you for bringing to the attention of the committee the challenges of our northern neighbours in terms of accessing health care. Perhaps that’s something that we should all take away, the accessing, whether it’s a medical practitioner or how you can achieve the diagnosis in the first place, but also having that part of the process be covered in terms of your benefits.

I did have questions—not just to talk at you. Was there anything else that you would like to add—oh, yes, the trauma researcher that you had referenced, Kirsten?

Mr. Scott McIntyre: Lewis, yes.

Ms. Jennifer K. French: Okay. Those are American statistics or—

Mr. Scott McIntyre: No. It’s an American probation and parole officer. She has authored and co-authored a number of studies and articles relating to anxiety and trauma specific to probation and parole officers. She came up to Ontario and made a presentation, followed by a survey with the Probation Officers Association of Ontario.

Ms. Jennifer K. French: Scott, what do you think it would look like if the government does not choose to include probation and parole officers under this piece of legislation? What needs to happen next?

Mr. Scott McIntyre: Well, it would be a double message. We want to provide services and benefits to those who are crisis workers—if you want to call it that—be it front-line workers or what have you. To exclude probation and parole officers I think would damage our profession. We take great pride in the work that we do and the services we provide not only to the public

through public safety but also to our clientele in rehabilitating them. I think it would really damage our relationship with the government. We wouldn't stop advocating for it.

The Chair (Mr. Peter Tabuns): Mr. McIntyre, I'm sorry to say you're out of time with the third party.

I go to the government: Mr. Colle.

Mr. Mike Colle: Thank you, Mr. McIntyre, for your presentation.

I think a lot of us and a lot of the population of Ontario probably never has an opportunity to listen first-hand about the work that front-line parole and probation officers do, so I thank you for doing this. Generally speaking, we only hear about probation and parole officers once there's some incident where somebody falls through the cracks or something happens.

In this case here, the astonishing thing is, you mention this dramatic increase in these instances of violence. What do you attribute that to?

Mr. Scott McIntyre: That's a great question. I thank you for it. Over the last 10 years, we've seen a trend where crime in and of itself has gone down, but the statistics show that the severity of violence in the crimes is going up. We also have statistics to support that the number of clients who are afflicted with mental health ailments is also going up. But we're averaging better than one to two incidents involving threats against probation officers, weapons being brought into our offices by these offenders. And it's not just the mental health; it's not just those under our supervision who are there on level 1 offences, violent offences. It's often low to medium offenders.

1510

I think that there's an element of frustration within our offender population with the lack of time that the probation officers have to dedicate to them. We obviously have workload issues that contribute to a certain extent.

Mr. Mike Colle: Is it workload because there are more people given suspended sentences? What is causing that bigger workload?

Mr. Scott McIntyre: The impact on workload and the amount of time that we can dedicate—and obviously, we prioritize who we dedicate more time to. Gone are the days of the little old lady shoplifter. Most of our offenders—I would say over 60%—are streamed high risk.

We have large administrative tasks, such as psychometric testing on all sex offenders and ODARA testing, which is a domestic violence tool that we've adopted from the OPP in determining risk. We now are mandated to provide victim services, whereas 10 years ago, we never did that. So for every domestic violence offender we get, we get two clients: We get the offender plus the victim as well.

Psychometric testing, enhanced risk assessment testing, ODARA testing: There are only so many hours in a day. It's all paper-generated—beautiful reports, but, in fact, the actual time we sit down to engage and actively work with our clients—and by the way, it's in the office;

it's not in the community. Community corrections is not in the community. We're a community-based service, but we work out of an office. We're not in the offenders' homes. We're not in the offenders' neighbourhoods.

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, we're out of time. We have to go to the next witness. Thank you very much for your presentation.

POLICE ASSOCIATION OF ONTARIO

The Chair (Mr. Peter Tabuns): We now have the Police Association of Ontario: Mr. Bruce Chapman and Michael Duffy. Good afternoon, gentlemen. As you've heard, you have up to 10 minutes to present, and then there will be three minutes per party for questions. When you've settled in, if you could introduce yourselves for Hansard, and then it's all yours.

Mr. Bruce Chapman: Good afternoon. My name is Bruce Chapman. I'm the president of the Police Association of Ontario. With me is Michael Duffy, our research and policy counsel. Thank you for having us here today to speak on this important bill, the Supporting Ontario's First Responders Act.

Post-traumatic stress affects every member of a police service. Every officer has faced a situation that stays with them and affects them in some way. A number of years ago, an Ontario police officer responded to reports of a motor vehicle accident. Arriving at the scene, the officer found an 18-year-old female in critical condition. While waiting for the ambulance to come, the officer stayed by her side, holding her in his arms until she died—before they could make it to the hospital. That officer will never forget walking into her parents' office to tell them about the accident and that their daughter had passed away. That officer will never forget the sweater that she wore and her last breaths. That officer will also never forget the comfort that he was able to give to her while she was trapped inside that car while they waited for other first responders to arrive.

I was, and I am, that officer. I am just one of the over 73,000 first responders in Ontario who are at risk of developing post-traumatic stress disorder at two times the rate of the general population. One in five responders will develop PTSD during the course of their career. The tools, services and support that they have when they need it most can mean the difference between life and death.

According to the Tema Conter Memorial Trust, since 2015, 50 first responders across Canada have committed suicide. In 2016 alone, 11 first responders have also taken their lives. Time and time again, police officers are there when Ontarians need them the most. It is great to see Ontario's elected representatives stand up for the police officers who put themselves in harm's way every day.

The Supporting Ontario's First Responders Act is a significant measure to help officers affected by post-traumatic stress disorder. The bill supports those whose duty and mission it is to protect those in need.

The Police Association of Ontario fully supports this bill. With this being said, I respectfully submit to the

committee that some amendments to the bill be considered.

In addition to the creation of the presumption of coverage for our officers, the bill should also create a duty on the board to provide or assist in obtaining care from a culturally competent clinician.

The PAO also supports the creation of an exception to the six-month limitation periods in cases of PTSD whereby patients would have up to five years from the date a diagnosis is learned to file a claim for benefits, or an option to apply for a waiver of the six-month limitation period upon, or following, the submission of a late claim.

Most vitally, the bill should recognize the essential civilian members of our organizations, like the special constables, communicator-call takers, investigative support staff, forensics staff and the garage personnel who work diligently to support our sworn officers and so, too, bear the trauma and witness the tragedy that first responders see and deal with every day. Our civilian members deserve the same treatment and care when they are suffering from PTSD. We cannot, as an organization that values its members, only protect some and leave others vulnerable.

Financially, this makes sense. The cost of untreated or underdiagnosed mental illness is a significant burden on Ontario's economy. Those who do not receive prompt treatment are at greater risk of acquiring chronic, publicly funded care throughout their lives. Additionally, first responders who remain on the job are less efficient and absent more often. By creating a measured and comprehensive system to address PTSD-induced work performance issues, we can bring our first responders back to work quicker, safer and healthier than we ever have before.

I have been deeply encouraged seeing this bill unite Ontario's elected members and ministers. In particular, I'd like to thank MPP Cheri DiNovo; the Minister of Labour, Kevin Flynn; the Minister of Community Safety and Correctional Services, Yasir Naqvi; and MPP Rick Nicholls for their tireless efforts and advocacy.

To the leaders of the parties here at Queen's Park—Premier Wynne, Patrick Brown and Andrea Horwath—thank you for making the mental health of first responders a priority in this Legislature.

The benefits of working together, along with firefighters, paramedics and corrections services, only heighten the good that this bill can do for front-line officers and police services over time.

Across Canada, other provinces have taken important steps towards dealing with the prevalence of PTSD within the first responder community. In Alberta, where similar reforms were passed in 2012, then-opposition member and now-Premier Rachel Notley noted that for persons seeking to make a claim, it's a huge hill to climb, because, of course, every injury that the person is suffering goes to the very heart of their ability to advocate for themselves, and nine out of 10 times, they don't advocate for themselves.

In British Columbia, where the media is reporting that PTSD rates among first responders are at crisis levels, representatives are pressing for action to create a presumption of coverage for first responders.

It is the Police Association of Ontario's position that Ontario has the opportunity to take a leadership role amongst Canadian governments and proclaim its support of both persons suffering from mental illness and those who serve the community and thereby expose themselves to greater risk.

Over the last decades, we've had success tackling and dismantling the stigma that surrounds post-traumatic stress disorder within the police community and society at large. We've learned that suffering from PTSD isn't a sign of weakness; it's an injury like any other in the line of duty, except it's not always visible and it doesn't heal so easily.

We're developing training and education, working with the families of those with PTSD to make sure that they have the tools and knowledge to address its effects at home, as well as peer support systems to ensure that our officers have the support they need from their own organizations.

1520

Some of you here today may have family members and friends who are first responders. Some of you, as well as your family and friends, have relied on and received emergency services care from our province's first responders. I encourage you to consider the amendments that I have mentioned today.

Passing Bill 163 will ensure that our first responders continue to help those in need by making sure that those suffering from PTSD receive the support and treatment to come back healthy and ready to make a difference in someone's life again. Please help make a difference in their life with these amendments and your vote.

The Chair (Mr. Peter Tabuns): Thank you very much for that presentation. We go to the third party: Mr. Gates.

Mr. Wayne Gates: Hi. How are you? Thanks for coming in today.

I've been here for a while. I've listened to the Ontario Provincial Police Association; I've listened to your association as well. Both have talked about the importance of doing amendments.

This is a bill that my colleague Cheri DiNovo has fought for for eight years, and everybody is pulling together on this. But it seems to me that when we're talking about retirees and we're talking about different classifications in work that are also affected by this, I would like—I know we're going to be hearing from nurses tomorrow, who obviously are exposed to this same type of stuff. I'm just wondering: Would your association understand that maybe we just need a little more time to get this right, to make sure that all classifications, all workers in the province of Ontario that are faced with PTSD, get it? I'm just wondering. My position is, let's get it right. If it takes a couple of extra weeks to get it right, let's get it right. Let's make sure that everybody

who needs to be covered in this bill should be covered in this bill. I don't think retirees should have to fight with the WSIB to be covered as well. I'd just like to hear your thoughts on that.

Mr. Bruce Chapman: Thank you, sir. Our position is that this bill is long, long overdue. We've heard in the House how long Ms. DiNovo has fought, the different bills that have been brought to government. We finally have the opportunity to pass a bill. The sooner the bill is passed, the sooner our members get help.

Our position is, we would like this bill passed as soon as possible. We would like all those included that can be included. We will continue to advocate on behalf of our members who work side by side with those who are included in the bill currently. But we need to get help for our members now. The longer the bill takes, the chances of them going through a process and not being approved or being denied and therefore not being eligible for the presumptive legislation are urgent for our members.

The Chair (Mr. Peter Tabuns): Ms. DiNovo?

Ms. Cheri DiNovo: Thank you for everything you do, Bruce, and hi, Michael. Thanks for appearing before us today.

I thought one of your suggestions about obtaining care—what did you say? A little bit more about WSIB and obtaining care from a competent professional—you raised that early on. A “culturally competent clinician” were the words you used—but say a bit more about that.

Mr. Bruce Chapman: What that refers to is, in Alberta, the board has a duty and responsibility to assist the member to get competent care from a clinician to be able to get that. We talked about our north and the lack of access to competent, trained professionals to deal with post-traumatic stress disorder and mental illness generally. This would be a requirement. It would assist the members to get help sooner and quicker.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: I appreciated your list of amendments, and thank you for laying them out. I think we appreciate all of them and are on the same page.

One of the things that you didn't mention but we've heard from others is the issue of previously denied claims. Do you have thoughts on that and what you might like to see in terms of that for your members?

Mr. Bruce Chapman: We would like those who have been previously denied the opportunity to have the presumption applied to them. Those who suffer from post-traumatic stress deal with it in very different manners. Some are very open and are able to talk about it and discuss it, with the former fear of the stigma that was attached to it, but still are strong enough to be able to come out and go through the process and then have to relive that—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time with the third party. I have to go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation this afternoon. In my past work as a

critical care health professional, I can certainly understand the vital work that you and your members do, and I want to thank you, given this opportunity, for the work you do. I really do understand why first responders are more than twice as likely to develop symptoms of PTSD, so again, I thank you for being here today.

I also understand that the PAO has a prevention and resiliency program, and you're really considered leaders in this particular area. In saying that, I know that the Road to Mental Readiness program is being delivered through the Ontario Police College as well as a number of other police services throughout the province and that this program aims to increase resiliency and to reduce stigma. Do you have any thoughts that you might share with the committee about this program and its rollout?

Mr. Bruce Chapman: The Road to Mental Readiness is a 30-year program; it's not a one-time training program. The Road to Mental Readiness starts at the Ontario Police College. It goes to the individual police services as well. On their introduction to policing with their families, they get the basic components of what they will face, and the family members will get to know what those members could face when they leave to go to work every day and how they're going to change when they come home, leaving their uniforms at work at the end of a day. It also identifies peer support and supervisor support. It's the responsibility of everybody in the organization to see it, identify it and assist those members who deal with a traumatic event every day that they're employed.

Critical debriefs are essential as well. Although it's not part of the Road to Mental Readiness, it is a vital component that most police services and soon all police services will be doing as part of the prevention and resilience component. Those officers and civilian personnel are immediately debriefed on how they feel and what they went through. Any of those who need help will get it immediately. Some may not need it for a couple of days, until, I guess, the incident has sunk in.

Mrs. Kathryn McGarry: Is a legislative presumption an appropriate method by which to improve the timeliness and consistency of adjudication in respect of claims that are based on PTSD?

Mr. Bruce Chapman: We believe it is. The officers or those members do not have to relive the events. They get the presumption so that they can get the help. The sooner we get our members the help, the sooner we can get them back on the road to being healthy members of our community.

Mrs. Kathryn McGarry: So you think that this approach would help to get the individual through the claims process faster and to the treatment faster?

Mr. Bruce Chapman: Absolutely, and without setting them back by having to relive the event or events that they've gone through, yes.

The Chair (Mr. Peter Tabuns): I'm sorry. With that, you're out of time.

Mrs. Kathryn McGarry: That's all you ever say, Chair, but thank you.

The Chair (Mr. Peter Tabuns): I'm sorry to cut you all off. We go to the official opposition. Mr. Nicholls.

Mr. Rick Nicholls: Thank you very much, Bruce. It's nice to see you again. Thanks very much for your presentation.

A couple of quick things here: One of the things you had talked about was that the cost of untreated or undiagnosed mental illness is a significant burden on Ontario's economy. One of the things that I noticed in this bill that has been brought forward is the fact that there has been no mention of the Ontario government's assistance to—because I assume that municipalities will be bearing, perhaps, the burden of this thing. That's a concern that I have: that this government didn't bring forth any recommendations. Do you care to address or comment on that?

Mr. Bruce Chapman: What I can address is that spending \$1 today by either municipalities or the government will save \$10 in the future. The sooner we can get help for the members and invest financially into their well-being now, we'll get that six times back at the end instead of not having the resources to pay for it. We look forward to the passing of the bill and to working with both municipalities and the government on the funding formula for it.

Mr. Rick Nicholls: I also noticed, Bruce, that when you were sharing that story at the very beginning and that you were that officer—not to relive it, but what advice are you giving to members who perhaps have experienced post-traumatic stress disorder and are going through things that you, yourself, could probably personally relate to?

Mr. Bruce Chapman: Times have changed, and that's removing the stigma. It was a weakness back then, or considered a weakness. You were a weak first responder by having issues with what you saw and what happened.

1530

By us sharing these stories, Chris's story earlier, my story and a number of other first responders, that we're okay, we're healthy, we're active members of our community, we got through it—some need some extra help to get through it, and this bill will allow them to get that help earlier so that they don't have to sleep with the lights on for three nights till they can get the face of that young woman off your mind when you go to bed at night.

Mr. Rick Nicholls: I understand. Do you have a question, Lorne?

Mr. Lorne Coe: No, it's fine.

Mr. Rick Nicholls: Do we still have time, Chair?

The Chair (Mr. Peter Tabuns): You have 40 seconds.

Mr. Rick Nicholls: Forty seconds? Boy, I can't even say my name in 40 seconds.

The other thing that I want to commend you on—I know that we've had some quick discussion on it, and I've talked earlier with other presenters with regard to profiles. I'm a big believer in profiles, but a specifically designed police profile, so to speak, that will assist and guide. Have you had any further advancements in your

research or in your discovery, something that's more police-specific?

Mr. Bruce Chapman: We're working with experts in the field of post-traumatic stress for identifiers in how to be able to assist our members and what tools we need to assist them. It's vital and important for our members as well.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, Mr. Nicholls, 40 seconds goes very fast.

Mr. Rick Nicholls: It does.

The Chair (Mr. Peter Tabuns): Thank you very much for that presentation today.

Mr. Bruce Chapman: Thanks very much, everyone.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Association of Municipalities of Ontario: Mr. Gary McNamara. As you may well have heard, you have up to 10 minutes to present, and there will be three minutes of questions per caucus. And if you'd introduce yourself for Hansard, it's all yours.

Mr. Gary McNamara: Thank you, Mr. Chairman. Gary McNamara, president of the Association of Municipalities of Ontario. Thank you for providing the association with the opportunity to contribute to your deliberations.

I'll begin my comments at the obvious starting point: Ontario's first responders do challenging and vital emergency services work in our communities. Municipal governments, as both their employers and as the elected representatives of each community, recognize that the health, safety and well-being of our first responders are essential to them, their families and the communities they serve. As employers, we do provide post-traumatic stress disorder support for firefighters, police officers and paramedics. Many of the best practices for PTSD prevention, treatment and return-to-work programs are already in the police stations, fire halls and EMS bays across the province.

We applauded the province when they announced the prevention strategy in February. It reflects the advice that AMO and municipal employers provided at the 2015 minister's summit on work-related traumatic mental stress and afterwards. Additional best practices, resources for municipal employers and further scientific research to help prevent and reduce PTSD in the workplace will be helpful. We also support creating resources that are suitable and scalable for smaller municipal governments, and we understand that these prevention resources will soon be available.

We have heard that the ministry may require that municipalities submit PTSD plans to the ministry so that the ministry can make them public. Municipal government is already open and the plans will be public locally. Creating additional and somewhat paternalistic control mechanisms would be an unnecessary and inefficient overreach by the province. Simply expressing the expect-

ation that these plans are public plans would be more than sufficient.

We recognize that the government, in drafting this bill, was seeking a fair and balanced approach for the implementation of this presumptive approach and one that is informed by research. In Bill 163, the province is requiring that a PTSD diagnosis is made by a psychologist or psychiatrist, and that there is a transition period of 24 months from the time the legislation comes into force. AMO sees both requirements as prudent and practical.

We support the requirement for a PTSD diagnosis to be made by a psychologist or psychiatrist. One concern is whether these health professionals are readily available in rural or northern Ontario. We have been assured by the province that these health services are available for our first responders throughout the province. Nevertheless, we recommend that the ministry monitor access against service benchmarks to ensure that expectations are met and that the health care system delivers timely access. If this part of the PTSD response is not there, the very foundation of this bill falters.

We realize that the length of the transition period may not satisfy all; however, we do understand that it is supported by evidence. Different studies have shown different times for the onset of PTSD after exposure to the traumatic event; however, all the available evidence indicates that delayed PTSD symptoms appear to occur within the first year of exposure. In providing a two-year window in this proposed legislation, the government's approach is both careful and fair.

In our view, these elements are a rational and reasonable way to balance the needs of our first responders and their families.

If the proposed legislation is passed, there will be some immediate unfunded financial impacts on municipal employers, as well as the provincial government, for their employees, such as the OPP. It is always tough to talk about financial impacts when it comes to the health and safety of our employees, but it's part of the equation. The province, if very serious about improving support for workers with PTSD, should be backing the legislation up with transitional funding to help municipal governments manage the unfunded costs that this legislation will create for the employers. There is no disagreement that there will be cost impacts.

As with the other fire services presumptive legislation already in place, we will see increased WSIB rates for schedule 1 municipal governments. Schedule 2 municipal employers will pay for actual presumptive PTSD claim costs as well as the very substantial WSIB administrative fees. Already, we have heard that some schedule 2 municipal governments are considering becoming a schedule 1 employer due to the ever-increasing financial exposure of presumptive policy.

Across Ontario, there are 324 OPP contracts for municipal policing services, mostly in rural and northern Ontario. We are awaiting an affirmative answer from the Ministry of Community Safety and Correctional Services

that the province will manage any associated presumptive PTSD costs for its OPP employees. Many of these smaller communities are already delaying capital projects simply to pay for their OPP bills. They cannot be further burdened by PTSD-related costs.

Municipal governments do have the majority of the first responder employers covered under this bill through police, fire and paramedic services, and you need to understand how this unfunded mandate will occur within the municipal fiscal environment. As you are aware, emergency service costs broadly have been increasing at three times the rate of inflation annually since 2002. For example, our annual policing costs are likely to exceed \$5 billion this year, which is two and a half times the value of the human services upload agreement we have shared with the province.

Fire service is similarly growing. Salaries are a major driver of these costs, and salary bands for emergency services already reflect the risk of their work, as is appropriate. But the public is struggling to understand why the cost-of-living adjustments are higher for this group of employees than any other municipal employee. Our other employees also want us to be fair and they want us to be balanced.

We hope that you have seen this concern prominently expressed in AMO's 2016 provincial budget submission. However, we know that many people saw it expressed on the front page of the *Globe and Mail* a couple of weeks ago.

Our research has revealed that if interest arbitration had produced the kinds of wage settlements that collective bargaining achieved for other municipal employees, police and fire costs would be almost half a billion dollars less than they were between 2010 and 2014, and the results would have been more fair for the rest of our employees. Ontario's interest arbitration system is creating unjust imbalances and indefensible costs in emergency services.

Main Street Ontario has woken up to a reality that this building is ignoring: Across Ontario, communities large and small are already concerned about the affordability of emergency services and the proportion of municipal spending that they are capturing. AMO's position is clear: All communities in Ontario need to have access to emergency services that are safe, effective and affordable.

With respect to PTSD, AMO's position is also clear: Municipal employers care about injured workers, and they will support their injured workers.

What isn't clear at all is this: What is the government of Ontario doing to ensure that all communities in Ontario have access to emergency services that are safe, effective and affordable?

At some point, this building is going to have to come to terms with the urgent need to manage Ontario's emergency service costs. We are already paying the highest per capita policing costs in Canada, and every editorial in every newspaper in every Ontario town and city already understands that emergency service costs are eating away

at the capacity of municipal governments to provide all the other programs and services that make our communities viable, prosperous and safe.

AMO, on behalf of our members, continues to call on the provincial government to help control the rising cost of emergency services so that municipalities don't struggle to support our first responders when they need it most. The province, and I think it is fair to say everyone in this building, should be taking a hard look at what the Ontario government can and will do to make sure that all Ontario communities feature emergency services that we can all be proud of and that we can afford without reducing other activities that the public needs and wants.

1540

I will end where I began: The health, safety and well-being of our first responders is vitally important. It is critical to them, critical to their families and critical to the communities they serve. Bill 163 takes a fair and balanced approach to make sure that first responders who are suffering from PTSD receive prompt diagnosis and treatment so that they can return to work and to their lives as soon as possible. We are supportive of the PTSD preventive strategy that this bill sits within.

We also implore this committee and Ontario's Legislature to support policy changes that address the dire need to ensure that all Ontario communities have access to emergency services that are safe, effective and affordable. To do that, this building must also consider the value and importance of all the other municipal investments, programs and services that Ontario's municipal governments provide to keep people safe, and whether we can keep doing this simply through property taxes.

The Chair (Mr. Peter Tabuns): We go first to the government: Mrs. Mangat.

Mrs. Amrit Mangat: Welcome to Queen's Park, Mr. McNamara, and thank you very much for your advocacy and support of this legislation.

You said in your statement: "The health, safety and well-being of our first responders is vitally important. It is critical to them ... their families and ... the communities they serve." You're right.

It is my understanding that this current legislation is not only responding to work-related PTSD but also to preventing PTSD. Would you mind sharing with the members of the committee your thoughts about prevention planning?

Mr. Gary McNamara: Thank you for that. Obviously, that is, I think, a piece that is critically important. It's not just a matter of putting people into those responsive jobs, but also preparing them and preventing these opportunities that could confront them in later years. So prevention is, I think, the very basis, and I certainly commend the minister when he made the commitment that prevention is critically important when he came to AMO.

I firmly believe that we see communities that are already active. I know that the OPP have a pretty active program in place now, and other communities. I think it's the right thing to do, to make sure we are not duplicating

but that we replicate a good, preventative basis across the province. Making those public, I think, is the way to go. Municipalities are an open and public forum and are certainly looking forward to doing that.

Mrs. Amrit Mangat: It's also my understanding that this legislation talks about a comprehensive strategy that includes the resource tool kit to improve mental health. Any last thoughts you would like to share with the committee?

Mr. Gary McNamara: Well, I think this is why it's critically important that we have the help they need, through a psychologist or psychiatrist. I think that's the basis of good medicine.

Obviously, that's an issue: Probably the most difficult thing—or part of it—that most first responders will have to do is admit to mental illness, to be able to acknowledge that. That is very, very difficult. But I think that's why it is critically important that not only the help they're seeking, but the professional help is there to identify those particular issues.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Peter Tabuns): We go next to the official opposition: Mr. Nicholls.

Mr. Rick Nicholls: Welcome to Queen's Park, sir. It's good to see you again, Gary.

Mr. Gary McNamara: Nice to see you again.

Mr. Rick Nicholls: Thanks, Gary. I appreciate that too.

I guess I made reference earlier to when we hear these things about affordability and the ability to pay, and I fully respect AMO's concerns. First of all, we do want safe communities, we do want to protect our workers and we do want to be able to provide them with needed help in order to deal with and live with and continue with a healthy life based on traumatic situations they have experienced in their lives.

What recommendation would AMO have, or that you'd like to bring forth on behalf of AMO, that would assist the government and assist us as legislators to deal more effectively with this, keeping in mind, again, that there are costs associated with everything?

Mr. Gary McNamara: Thank you for the question. Obviously, we didn't want to detract from the fact that the health of the first responders is first and foremost to all of us. We all agree with that. But there's a cost to that; there is no question. In my remarks, I certainly mentioned that unfunded liability piece and so forth.

I think a good start in order for us to be able to mitigate some of those costs is transitional funding from the government to help alleviate some of those costs that are going to impact, obviously, the bottom line of the municipalities.

Mr. Rick Nicholls: I know that when we're faced with something as new as this—and when I say "new," I know PTSD has been around for a long time, but now we have legislation that is, in fact, designed to assist and to help—this government seems to be very creative, or is finding creative ways of doing some things and how they perhaps can move some dollars around.

I certainly don't want to see this delayed at all. I don't think there's anyone here who wants to see it delayed.

I commend you for bringing forth the concerns of AMO.

Again, we talk about the arbitration system. I think most of us would agree that the arbitration system needs to be looked at because it is, as you mentioned, creating some imbalances and some indefensible costs. That needs to be looked at as well, but not at the expense of those who are especially suffering.

We certainly don't want to delay this bill. We want to try to move it through as quickly as possible. Again, thank you very much for that.

Lorne, do you have anything?

The Chair (Mr. Peter Tabuns): Mr. Coe?

Mr. Lorne Coe: Yes, thank you. Through you, Chair, to the delegation: Thank you very much for your presentation. Your presentation talks to how municipal governments do have a majority of first responder employers covered through police, fire and paramedic services. You'll know from our agenda that we had delegations earlier today. To what extent is AMO engaged with the paramedic association and the police association? Because your narrative in here talks about some of the—

The Chair (Mr. Peter Tabuns): Mr. Coe, I'm sorry to say, but you're over time.

Mr. Lorne Coe: Thank you.

The Chair (Mr. Peter Tabuns): I go to the third party. Ms. DiNovo.

Mr. Gary McNamara: The quick answer is yes, we have.

Ms. Cheri DiNovo: Thank you so much for your presentation. I'm glad you raised the issue of costs. I just wanted to clarify a few things. PTSD in our first responders is going to be paid for one way or the other. I guess our options really are, shall we pay for it with dignity or not? Because, ultimately, if it's not going to be under the WSIB or the municipalities' file, it's going to be under social assistance; it's going to be under long-term disability; it'll be under the justice system. I give an example of sending first responders to a first responder's house who has threatened suicide. That costs a lot of money.

The idea of getting early treatment is to get people back on the job much faster, right? This should not be a terminal illness. This should be a treatable disease like any other where that person can get back very quickly. Having said that, I understand the trepidation that you may have but I just wanted to reassure you that, from what we've seen in studies from other jurisdictions, it shouldn't cost any more. In fact, it should cost less. That's number one.

Number two: I hear you need help from the provincial government, and I think they should be helping you. There's no question that many of the services that were downloaded under a previous government have not been uploaded. You know that better than anyone; you pay for it. Has the government spoken to you about transitional funding? Have they offered you any money of any sort?

Mr. Gary McNamara: We've been asking and, obviously, as the bill continues to evolve, we certainly are going to continue to ask for transitional dollars.

The biggest piece for us—and I think there needs to be an awareness—is the OPP. Some 324 of our municipalities are policed through contracts. We certainly don't want to see an additional cost to the contracts because they are employees of the province. I think there is a responsibility of the province to take care of theirs as well.

I just don't want to see, especially for those small communities, northern Ontario communities and so forth, where they're struggling right now to choose policing or other services within the community. So I would ask, obviously, the government to make sure that that's not another requirement from the 324 municipalities that are policed by the OPP, that that be an additional cost to their contracts.

1550

Ms. Cheri DiNovo: Yes, okay. I hear you. Just again a cautionary note: It may not be an additional cost.

One of the things that we've heard from a number of presenters and that we certainly support is that those previously denied a claim should be allowed to make that claim. Is that something that AMO would support as well?

Mr. Gary McNamara: That's a pretty open-ended question and so forth. I don't know how far back you want to go. But in terms of the two years that the government has actually brought forward, I think it's based on solid research—

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say you're out of time with this questioner too.

Thank you very much for the presentation today. I think we all appreciated it.

Mr. Gary McNamara: Thank you, Mr. Chairman, and certainly thank you to the committee.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, CORRECTIONS DIVISION

The Chair (Mr. Peter Tabuns): Our next presenters, then, are the Ontario Public Service Employees Union, corrections division: Monte Vieselmeyer and Gregory Arnold. As you know, you have up to 10 minutes to make a presentation, and then we'll go three minutes per caucus for questions.

When you've settled in, if you could introduce yourselves for Hansard, and we'll just take it from there.

Mr. Greg Arnold: Good afternoon. I'm Greg Arnold. I'm a MERC member with the Ministry of Correctional Services and I'm also a provincial bailiff.

Mr. Monte Vieselmeyer: Good afternoon. I'm Monte Vieselmeyer. I'm the chair of the corrections division for Ontario.

Mr. Greg Arnold: Thank you for allowing me to have this opportunity this afternoon. My name is Greg Arnold. I have been employed as a correctional services

worker for over 33 years. I am currently classified as a provincial bailiff and have held that classification for the past 27 years. I am speaking before you today because my classification of correctional services worker/bailiff, which is a uniformed officer, has been excluded from Bill 163.

My classification is defined under the Ministry of Correctional Services Act, clause 11(1)(b), as a class of persons "from among the persons described in clause (a), to be peace officers while performing their duties and functions." Further to that, in section 15.1 and subsection 16(2), the Ministry of Correctional Services Act clearly identifies bailiffs as an inclusion to the term correctional services worker by classification identification, and identifies our work location to be correctional institutions.

In subsection 19(1), "The minister may appoint provincial bailiffs who may convey an inmate in custody at a correctional institution to another ... institution or penitentiary in which the inmate is lawfully directed to be confined."

Further, in subsection 19(3) of the Ministry of Correctional Services Act, the "provincial bailiff has the powers of a constable when conveying an inmate under this section." Please note that it very clearly states "constable." It does not refer to special constables, who are also excluded under Bill 163.

Bailiffs are correctional service officers that meet all the criteria of the definition as stated in Bill 163. We are workers who are directly involved in the care, health, discipline, safety and custody of an inmate confined to our correctional institutions. We are assigned to correctional institutions but also have the added responsibility of maintaining the care, custody and control of the safe, secure transportation of approximately 40,000 offenders per year in Ontario. That includes Ontario and other provinces.

Bailiffs are appointed from the correctional officers' ranks. There are currently 30 provincial bailiffs in Ontario and this department is augmented with an additional 40 correctional officers trained as backfill, assisting our deputy bailiffs.

Imagine a critical incident where a correctional officer and a bailiff are working together and something terrible happens. The correctional officer would have protection under this bill; the bailiff would not. Bailiffs are correctional service workers and as such are members of our institutional crisis intervention teams, or ICIT. They are also critical incident stress management personnel. They are defensive tactics (COTA) instructors, and critical incident negotiators. Some of our most experienced correctional officers are classified as provincial bailiffs.

Several years ago two Quebec correctional service workers were murdered by biker gangs. They were executed while transporting offenders during an external assault on their transportation vehicle.

Manitoba lost a correctional service worker last year while transporting offenders between institutions; she died in a highway traffic accident when their transport vehicle left the road.

I'm totally confused. I do not understand why bailiffs would be excluded from the first responders bill when they clearly meet the criteria and definition of a correctional services worker. I have a fear that maybe the researchers have mistakenly identified a bailiff as a court services worker, someone who serves documents and repossesses property. If that is the case, this needs to be corrected before this bill becomes law. We truly are front-line officers.

The following are some of my personal experiences and stories, but there are many others amongst my colleagues:

In my career as a correctional officer and provincial bailiff, I've been bitten, choked, punched and been subject to having weapons and bodily fluids used on me.

I've dealt with suicides, suicide attempts, violent, mentally ill offenders, several riots, and two hostage-takings.

I've been a first responder in the institution and on the highways of Ontario with offenders at multiple traffic accidents, some involving fatalities.

I've provided first aid and dispensed medication to offenders who were too frail to provide their own insulin injections.

If bailiffs fail to provide the obligations and duties of their classification, they can be charged criminally for not providing the necessities of life to the offenders under their charge.

I've been a member of our tactical teams, our ICIT teams, for 16 years, stepping down in June 2014. I'm also currently an associate instructor with our corrections college, teaching defensive tactics and training new recruits—COTA—to become professionals. Prior to this, I was a trained ministry hostage negotiator for several years.

My partner and I were recognized by former minister Rob Sampson for our actions while on a bailiff transfer at a highway traffic accident in 2000. We were first on the scene of a terrible accident involving a burning double fuel tanker, another transport and a personal vehicle. The civilian in the personal vehicle died in our presence, but we were able to free the driver of the burning tanker truck to safety.

In 2012, one evening when I was off duty, I took down and detained a known offender on probation who was attempting an armed robbery of narcotics from a local pharmacy. For this incident, I was recognized for bravery by then-Minister of MCSCS, Madame Meilleur. I also received a commendation from the Governor General of Canada for my actions and was recognized by Thunder Bay Police Services and commended for my professionalism.

I find it very frustrating to sit here before this committee today to give a deposition on the services that bailiffs provide for this province. Bailiffs have earned the right to be included in Bill 163.

Bailiffs are uniformed correctional service officers. We meet all the criteria required to be included in Bill 163. I've been a first responder since the day I joined the

corrections ministry in 1982. Please amend Bill 163 to recognize bailiffs as the correctional services officers they are. Bailiffs are subject to all the effects of post-traumatic stress disorder and should be afforded the same protections.

Mr. Monte Vieselmeyer: Good afternoon. As I stated, I am the elected chair of the corrections division for OPSEU. I represent over 6,000 corrections professionals, who include corrections officers, probation and parole officers, bailiffs and several other corrections classifications.

I'm greatly appreciative of the introduction of this legislation and the assistance it will provide to my members who are experiencing PTSD. As a correctional officer with 25 years of working in Ontario's provincial jails, these amendments to the Workplace Safety and Insurance Act, 1997, are long overdue for the first responders and other workers who protect Ontarians every day.

I have been a participant, a witness and a third-party respondent to hundreds of incidents of assault, medical emergencies, fires, mental health interventions, deaths, and situations that do not fit into any defined category as a correctional first responder. Many of these incidents over the duration of my career stand out for a variety of reasons, and many more I have forgotten.

I raise this brief overview as I am included under this legislation. Today, I present to you as the representative of Ontario's probation and parole officers and bailiffs who are not included, and I am conflicted how to equally message these individuals' needs to have access to the legislative changes proposed by Bill 163. I have spoken to and read many of these members' professional working stories and the toll it has taken on their mental and physical well-being.

1600

These corrections professionals are the front-line workers who deal with the same individuals who come into contact with all justice partners. Probation and parole officers' experiences include physical assaults upon themselves; first-hand accounts from offenders of child sex crimes, murders and domestic abuse; secondary accounts of criminal acts in court documents; weapons being brought into their offices; and client suicides, to name some of the daily issues they encounter.

Ontario bailiffs have similar experiences to myself as a correctional officer. All Ontario bailiffs first start out and are trained as correctional officers. To become a bailiff, you need additional specialized training above that of a correctional officer. Many bailiffs are involved in and serve under specialized response teams that respond to crises within the institutions. Correctional officers backfill for the bailiff classification due to vacation, sickness and training. Several of my colleagues from probation and parole and bailiffs will be presenting to this committee a much more in-depth and succinct account of their working lives. Their information will give you a much better understanding of their profession and the rationale for inclusion in this legislation.

My request to this committee is to add these correctional professionals, probation and parole officers

and bailiffs, to the language of Bill 163. This would give these individuals the same opportunity to have any diagnosis of PTSD under the DSM-5 addressed with a timely intervention and a healthier return to the workplace, serving Ontarians.

Thank you for your time and consideration.

The Chair (Mr. Peter Tabuns): Thank you very much. We go first to the official opposition: Mr. Nicholls.

Mr. Rick Nicholls: Gentlemen, welcome. You talked about the importance of probation, parole and, of course, bailiffs. Of course, I've been a strong advocate for corrections, obviously, as part of my critic portfolio.

We talk about PTSD, and to me, that's after the fact; they've experienced a traumatic experience. But one of the things that you might be able to help us with is, what are some of the things that the government is currently doing to ensure safety with our probation and parole officers? The reason why I mention this—I don't want to exclude bailiffs—is because I've spoken with many probation and parole officers. They come in and they tell me of their horrifying experiences with regards to their offices and about the weapons that some of their clients are carrying with them.

Do you know of anything that's happening in terms of safety for probation and parole officers in their offices that would perhaps help to alleviate some of this?

Mr. Monte Vieselmeyer: Well, right now, there are definitely challenges within our probation and parole offices. There have been orders through the Ministry of Labour that each office should have metal detectors installed to help lessen any metal items—maybe knives or other types of weapons—that may be brought in. The government hasn't followed through with those orders at this time. That's something that we're pursuing as quickly and efficiently as possible.

Mr. Rick Nicholls: One of the things that I appreciate our parole and probationary staff doing is that they help keep our communities safe by working with individuals who are out on probation or on parole. The concern I have for them, though, is the fact that they also live in our communities along with the people to whom they are providing a service. Have you heard of any incidents whereby parole or probationary officers are actually being threatened because it's the old story, "I know where you live"? Do they have those types of horrifying experiences as well?

Mr. Monte Vieselmeyer: I think that's a threat for any justice partner, and specifically corrections. We've been pursuing to have our licence plates put into a database somewhere outside of where our homes are, so that they can't be followed up. Police officers, I understand, have that ability to put their licence plates to their work location. We don't have that ability, so that's something we've been pursuing for years. I think that's important to us.

Again, that's a danger to any of us that we have to worry about, that we may be followed by any criminal aspect. Probation and parole—because, again, they have

the ability to put these offenders back in jail if they don't follow what they're required to—sometimes have been attacked. I know a fellow correctional officer who became a probation and parole officer who was attacked in his office and had his jaw broken by one of his clients. Again, there's always a danger, whether they're in the office or in the community.

Mr. Rick Nicholls: Well, I guess the concern is prevent it first. Safety has always been the big concern for myself with regard to corrections, and parole and probation. But then, dealing with the issue of PTSD because, in fact, these—you're a human being; you're people. You deal with this situation but how do you deal with it more effectively? Of course, we'll certainly be looking very closely at the amendments put forth that would include—

The Chair (Mr. Peter Tabuns): Mr. Nicholls, I'm sorry to say you're out of time. You're honing in on it. Thank you, sir.

We'll go to the third party: Ms. French.

Ms. Jennifer K. French: Thank you very much, both of you, for coming. No offence, Monte, but I'm going to focus a little bit more on the bailiffs. We had a very comprehensive presentation earlier from your colleague Scott McIntyre, and I know that we've got probation and parole officers speaking to the committee tomorrow.

Greg, if I may focus in on bailiffs, to your point that you don't understand why they would be excluded and that your concern is that perhaps the government isn't really clear on the role—which I think is alarming, considering that they're the employer—I appreciate the deeper understanding of what it is that a bailiff does, but some points of clarification: You have said that there are 30 bailiffs now but there is a need to backfill, and you've got more backfill bailiffs than you've even got regular bailiffs. Could this be a scenario: If you were to have a bailiff and a correctional officer who is filling in—who is a backfill bailiff—both at a call, and a traumatizing event occurs, in that situation, if bailiffs are not covered, could you then have the correctional officer-backfill bailiff be covered by the presumption and then the other bailiff out in the cold?

Mr. Greg Arnold: Well, like I say, we do have 40 additional officers in the province, and even then we need more. Quite typically right now, when we're transporting offenders between institutions, we have two correctional officers actually facilitating the work of two bailiffs. So yes, my interpretation would be that. If the bailiffs were excluded and I was working with a correctional officer who was acting as a bailiff, he would be covered and I would not.

Ms. Jennifer K. French: Okay. Another thing, then, is that to become a bailiff, generally speaking—well, they all have to be correctional officers; it requires additional training, and, based on your notes, oftentimes they become bailiffs later in their career. Maybe they've had a long career as a correctional officer.

If they are not covered by the presumption, why on earth would a correctional officer want to become a

bailiff if there's only a 24-month period? If I was a correctional officer, I'm covered by the presumption. If I shift into the bailiff role and my trauma sets in and I have a new PTSD diagnosis but I'm now in the role of a bailiff, is it your understanding of this legislation that then that individual would not be covered? “Too bad, so sad.”

Mr. Greg Arnold: I would assume, yes.

Ms. Jennifer K. French: Okay. If your bailiffs are putting themselves at risk and serving on ICIT, which is a crisis team, as ICIT team members or negotiators, which I would imagine would put them in more traumatizing situations, what would be the incentive for them to take on those additional care and stress roles if they will not be covered by a presumption?

Mr. Greg Arnold: I think what happens is, especially in Ontario, the term “bailiff” seems to confuse people. We have correctional service workers and then, within that, we have classifications of workers, and this is one of those unique things where there are 30 bailiffs that are classified as bailiffs, not correctional officers. There are a lot of correctional officers that do aspire to be bailiffs, and I think that everybody has the assumption that we're all doing the same job—we all have the same clientele.

The difference is that, with bailiffs—I don't have the security and safety of an institution. I'm either driving a 40-seater bus or a 24-seater paddy wagon or a 12-seater van. When things go bad on the highway—I have an internal assault in the vehicle or between offenders, or an external assault or poor weather or whatever—I can hit that blue button. It's like hitting the Staples button. It just makes you feel good.

I don't have the backup of a facility with hundreds or 20 or 10 other officers coming to assist me. I'm out there by myself; I'm with another officer. We have that. We will take 35 federal offenders to Kingston in the 40-seater, and we have four officers. We're not armed. In other provinces—the sheriffs in BC are attached to corrections. They're corrections officers, and they have the lethal force option. We don't have that. I have the same weapons and the same training that the correctional officer has on the floor, yet I don't have the ability to have backup.

1610

The Chair (Mr. Peter Tabuns): With that, Ms. French, I'm afraid—

Ms. Jennifer K. French: Aww.

The Chair (Mr. Peter Tabuns): Yes, I know, it goes so quickly.

Mrs. McGarry?

Mrs. Kathryn McGarry: Thank you very much for your presentation. We certainly appreciate the vital work you do and role you play in keeping not only yourselves and your inmates safe, but those of us in the general public. I appreciate that.

We also know how critical it is for early assessment, diagnosis and intervention in terms of looking after those who may be experiencing PTSD—and PTSD is nearly twice as prevalent among first responders than among the rest of the population.

Certainly, we know that Bill 163 goes further than previous proposals, such as PMB2, which didn't include workers in correctional institutions for presumptive PTSD coverage. In Bill 163 we have actually included corrections workers.

As you know, one of the elements of this bill will be the proposed ability for the Minister of Labour to request prevention plans from employers. Could you please share some of the things your organization would do in regard to prevention?

Mr. Monte Vieselmeyer: I'll speak on that. Prevention is absolutely necessary. We would like to prevent these issues from becoming PTSD, so prevention is important.

Right now, I think we have very little in place from a corrections ministry standpoint. I've seen some police departments that are more progressive; they have psychologists or psychiatrists on hand that their officers can access. We don't have anything like that. We have schism teams that will meet if there's a critical incident. But it's a one-time thing; there's no follow-up. Also, the current concern is that if somebody has gone through a critical incident, you are not re-affecting them by the situation. Again, this is kind of a one-shot deal and then there's no follow-up.

So, if a person is having issues or it's becoming worse—a lot of times we talk about one critical incident. In corrections, it's dozens upon dozens, and everyone is affected differently. I definitely think that prevention is very important, and there are things that I would definitely like to sit down with our minister and discuss that would help the safety and fulfillment of our members, for sure.

Mrs. Kathryn McGarry: You bring up a good point: No member of any first responder group or organization can really point to what the incident was; it's often the straw that breaks the camel's back in these situations that produce the symptoms of PTSD. In saying that, is a legislative presumption an appropriate method by which to improve the timeliness and consistency of adjudication?

The Chair (Mr. Peter Tabuns): I'm sorry to say, Mrs. McGarry, that you're out of time, even though it was a good question.

Mr. Monte Vieselmeyer: Yes.

The Chair (Mr. Peter Tabuns): Well done, sir. Thank you for your presentation today.

BADGE OF LIFE CANADA

The Chair (Mr. Peter Tabuns): We go to our next presenters, Badge of Life Canada, Mr. McKay.

Sir, as you've heard, you have up to 10 minutes to present, and then three minutes of questions from each caucus. When you've settled in, would you introduce yourself for Hansard.

Mr. Brad McKay: Good afternoon, ladies and gentlemen of the standing committee. My name is Brad McKay. I am a senior police adviser at Badge of Life

Canada. I am here to speak to you on behalf of this organization.

I am a retired staff sergeant, having served 33 years with York Regional Police. I am a trauma survivor, having been involved in a shooting in 1984 that resulted in a loss of life. I have been involved in peer support and peer support systems for over 27 years. I am a certified trauma services specialist. I co-created a multidisciplinary York region CISM team in 1996, covering police, fire, EMS and emergency room hospital staff.

In 2013, I created an internal peer support team for York Regional Police and I have conducted hundreds of interventions and coordinated over 1,000. I've been directly involved in numerous suicide interventions, many of which would have been completed if there were not a system of support in place. I am proud to say that I retired from a leading-edge organization, York Regional Police, where the leadership trusted me and allowed me to create peer-driven programs of support with an effective early intervention program. You may ask questions about that; I have a lot of answers for you. I continue to volunteer for two peer-support teams in York region, and I co-lead a trauma recovery group at the Trauma Centre in Sharon, Ontario.

Front-line responders are strong—stronger than most. When chaos hits and people are running away, front-line responders are running in. Every once in a while, though, an incident or accumulation of incidents can have the ability to break down the front-line responder's ability to cope. They are only human, and they deserve respect and effective assistance after a trauma exposure.

Stigma is a huge barrier to our responders asking for help. Sometimes asking for help that very first time is the most difficult thing a front-line responder has ever done. If they ask the wrong person or they have a negative experience, they can go back down into that deep hole of despair, sometimes for years, before surfacing with more severe mental illness—or worse: They may take their life.

In my experience, I can't tell you how many times I have had to support members who struggle with their real PTSD to find that they and their family need to spend pointless energy fighting the system of WSIB or their own organization. The only thing worse than PTSD is the feeling that you've been betrayed by an organization that you swore you would serve and risk your life for.

About Badge of Life Canada: The purpose of Badge of Life Canada is to promote health for the benefit of the public by providing active and retired personnel in First Nations police, municipal police, provincial police and correctional services diagnosed with an operational stress injury, including PTS, with access to counselling, including suicide prevention counselling. We (1) provide a national online resource hub; (2) foster the development of peer-led support resources; (3) develop a national training and resource network; and (4) advance the public's understanding of operational stress injury, including PTS and suicide prevention.

Badge of Life Canada is now nationally recognized as a not-for-profit organization that provides anti-stigma

presentations on the effects of OSI, PTS, suicide prevention, anxiety, and depression on police and correctional personnel. Presentations provide insight and understanding surrounding how compassion and discipline can greatly influence police members and their families who are suffering mental health concerns within the context of their public and private lives. The effects of social media and the moral injury dilemmas upon those members who suffer the effects are explored as well. Resilience, wellness, hope and recovery are emphasized to show positive post-traumatic growth with respect to how members can return to being effective members within their police organizations.

Since Badge of Life's inception in 2010, founded by Peter Platt, Badge of Life has been staffed by volunteers who walk the talk, and they've been solely funded by the hearts of the members paying it forward. This approach has been involved in the organization for offering a safe, confidential place where members can turn for immediate information that can assist, especially when in crisis. Our passion for the Badge of Life Canada mission is based upon legitimacy within the policing and corrections world by having travelled our own journey towards finding a new normal after exposure to various traumatic work experiences.

One experience that I'll tell you about is of our director, Sergeant Bill Rusk. He is one example of both the pitfalls of WSIB but also resilience and tremendous strength. On June 24, 1990, Bill Rusk was shot in the face, neck, shoulder, back and right hand during a foot pursuit in North York while a member of the Toronto police. He was treated for his physical injuries at Sunnybrook.

Between 1990 and 1993, WSIB's own medical professionals diagnosed Bill with physical impairments as well as severe, chronic PTSD. Even though Bill knew that there was something not right with his recovery due to PTSD, he wanted to return as soon as possible as a productive member of his organization.

Bill has shown tremendous resilience by being able to return to policing and has since had a distinguished career, with numerous recognitions and awards. He's a two-term member of the board of directors for the Police Association of Ontario and even sat as a member of the WSIB PTSD working group. Bill had the belief that things would get better for those who have followed behind with PTSD issues with the advent of presumptive legislation. However, in 2015, 25 years later with a distinguished career, Bill had to submit a WSIB recurrence claim for both his physical and psychological injuries as a result of the 1990 shooting.

Over the past 12 months, Bill has faced three separate WSIB claim denials, along with subsequent appeals. During this time, Bill was continually shuffled between various WSIB claims managers. He felt degraded and laughed at, and he was told by one worker that because he was working over the past 25 years, he should be able to suck it up and get back at it.

During this time, Bill had been told by a WSIB case manager that WSIB had no record on their computer

screen indicating that Bill had even been shot in the face. Bill supplied this evidence to WSIB that was written on WSIB's own letterhead by appointed medical professionals, and subsequently Bill's file was located in a filing box somewhere. There was no apology made to Bill.

During this period, Bill was asked to provide additional proof that he had not been diagnosed with post-traumatic stress for five years prior to his own shooting incident. He had already been diagnosed in 1993, so I'm not sure why they need to go back to that again.

Finally, WSIB transferred Bill's claim to the WSIB traumatic mental stress injury unit, where it was finally approved. However, the approval was retroactive to applicable legislation from the time of his shooting incident in 1990. This legislation does not exist for active members even today, and no one is currently employed at WSIB as a case manager who is versed in this old legislation.

As a result, WSIB has finally recognized Bill's claim under the 1990 legislation, which amounts to 85% of his net earnings from 1990, where he gets about \$600 a week. This has led to financial crisis for him, forcing him to sell his assets, his home, his farm.

In addition, Bill was working for another police employer at the time of his 2015 recurrence and WSIB is now charging his former employer, the Toronto Police Service, for his recurrence claim. As a result, Toronto Police Service has now initiated their own employer appeal regarding Bill being awarded injury recognition by WSIB.

That's the challenge and that's the difficulty that members are facing out there, and that's just one example.

Today, on a positive note, I'm pleased to announce that at 1:45 a.m. in Ottawa, Badge of Life held a relaunch with over 200 delegates from the Canadian Police Association in Ottawa at their general meeting in Ottawa. Information regarding Badge of Life Canada was dispersed to the delegates and members of Parliament.

Initiatives that Badge of Life is involved in: We partner with organizations for research projects. We've partnered with Nipissing University on proposed research on OSI and general health of former police officers, correctional officers and 911 communicators. We also have one of our members, my colleague Syd Gravel, who is now the course developer and instructor for a new online certificate course at Simon Fraser University entitled Organizational Structure and Stigma Reduction in the first responder trauma prevention and recovery certificate program.

Badge of Life Canada currently lists professional therapists across the country, listed by province and territory.

The Chair (Mr. Peter Tabuns): Mr. McKay, I'm sorry to say that you've run out of time.

Mr. Brad McKay: May I give you a brief summary, then—the conclusion?

The Chair (Mr. Peter Tabuns): You have actually run out of time. I'm sorry.

Mr. Brad McKay: Okay.

The Chair (Mr. Peter Tabuns): We'll start questions with the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Yes. Thank you very much for your presentation. I noted that the case you talked about, Mr. Bill Rusk, having been denied a WSIB claim, would not be covered by this legislation—ultimately did have his claim recognized, but one of the amendments that I think we've heard from others who have brought this forward that's so critical is that those who have been denied a claim be allowed to refile. So I'm glad that you brought that up. Is that amendment something that Badge of Life would support? It sounds like you would.

Mr. Brad McKay: Yes, I believe so.

Ms. Cheri DiNovo: The other thing that I was really interested in was your peer-led focus. I met with the sister of Constable Garda, the young constable who killed himself recently. She's a phenomenal woman. She's been working on a list of very simple protocols that my office is going to happily share with the minister and with others who may be interested. One of them was exactly that: somebody to talk to, who had been through it before. Clearly, her brother didn't have that.

My question is, how do you work, in the sense that Constable Garda didn't have the opportunity? Nobody told him that he had that option to speak to someone who had suffered.

Mr. Brad McKay: Early intervention is such a key component: having a formal, peer-structured peer-support system that is not reactive but proactive, where you can pick off indicators.

Suicide is something that in 80% of cases is identifiable. In 20% of them, you might be able to get it picked off through some statistics or some other early intervention strategies. You should be able to pick off about 90% of it, if you're doing your job.

It's important that a peer-support system reaches out to people in need like that. I'm sure that situation would have been known by others, that he was struggling. The family element: Peer-support system can go into family, as well, and the family can be reached out to. There are systems of peer support that can take care of that.

Suicide, in most cases, does not have to happen if you know the risk factors, identify the risk factors and act, and you have the ability, the competence and the training to spend time and be comfortable in the uncomfortable zone.

You need to be in that uncomfortable zone, spend a lot of time there and find out exactly what's going on and devise a safety plan, and then determine whether you have to step it up and speak to supervisors. It can be done, and we know how to do it.

Ms. Cheri DiNovo: Obviously, getting the information out is part of the issue now in terms of protocols, because that was not the case with this young officer.

Mr. Brad McKay: That's very unfortunate.

Ms. Cheri DiNovo: One of the descriptors that she uses: He was given a book with a list of associations and everything else and—plonk—"Here, phone somebody,"

which clearly, for someone who has just experienced a critical incident, is not the way to go.

Mr. Brad McKay: If you know somebody has experienced a critical incident, somebody should be latching on to that person as soon as possible.

Ms. Cheri DiNovo: Yes. Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you very much.

We go to the government: Mr. Anderson.

Mr. Granville Anderson: Mr. McKay, thank you for being here and thank you for your advocacy on behalf of the officers suffering from PTSD.

I know that you had a summation that you anxiously wanted to finish. I'll give you that opportunity to do so now.

Mr. Brad McKay: Thank you very much.

Badge of Life strongly believes that all first responders should be treated with compassion and care and have access to professional treatment, rather than face numerous appeals that waste time, energy and money on automatic claim denials by WSIB.

The majority of members who suffer want access to timely treatment that will afford them the opportunity of returning as soon as possible to their organizations.

PTSD should be viewed as an honourable injury. Although there are no slings, no crutches, no casts or bandages when dealing with a psychological injury, it is important to remember that PTSD is a result of "what's happened to you" through your employment journey, rather than the belief of "what's wrong with you."

Badge of Life continues to be committed to working with all parliamentarians and related stakeholders so that presumptive legislation can move forward to save the lives of those who are suffering in silence and to promote hope, wellness and recovery.

Mr. Granville Anderson: Are you through? Do I have some time left?

The Chair (Mr. Peter Tabuns): Yes, you do, actually. You have about a minute and a half.

Mr. Granville Anderson: Okay. I know you alluded to stigma during your presentation. You're saying that it's one of the great hindrances for treatment. Do you want to elaborate on that and what you would suggest to remove some of that stigma?

Mr. Brad McKay: Removing the stigma?

Mr. Granville Anderson: Yes.

Mr. Brad McKay: Oh, lots of training; Road to Mental Readiness; having your peer supporters reach out; having competent, trusted peer supporters in every area of the organization who come in and speak to the parades or speak to the groups.

The newer generation does not latch on to the stigma as much, so if we get at our recruits—and their families—as they're coming in the door and eliminate the stigma, that's a huge step forward. They know they have a place to reach out to; they know that they have an organization that supports them. That's part of the early intervention strategy.

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Another good early intervention strategy is that you have an early intervention analyst, who's like a crime analyst and who picks off things before you even know it: behavioural changes, sick time—all sorts of things that you can pick off. You know the top 10 terrible calls that the ICISF says are at a high risk to cause an operational stress injury? If your members go to one of those calls, there should be an automatic call. There should be an automatic contact. Nine times out of 10, it may be nothing, but at least you get the feeling that your organization cares enough to reach out to you. The more you do that, the more the stigma will be reduced.

The Mood Disorders Society of Canada has a beautiful program called Elephant in the Room, reducing the stigma. The fat, little blue elephant who's sitting in the room—you know that that's a safe place to talk about mental health.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say that you've used up your time with these questioners.

We go to the official opposition: Mrs. Martow.

Mrs. Gila Martow: Thank you very much for joining us today, Mr. McKay, and for your service.

I wonder if you could just tell the committee and anybody else who's listening—specifically the WSIB—how, when your colleagues aren't supportive or a government agency isn't supportive, that adds to the stress of the situation and exacerbates the symptoms.

Mr. Brad McKay: It's unbelievable. From what I've seen and the reactions that I've seen from people, whether it's a betrayal or it's a perceived betrayal, it still cuts them right to their soul because they believed, and they joined an organization wanting to contribute, wanting to be a contributing member. When you are out in a situation where you are injured as a result of doing your duty and then your organization apparently bails on you and turns on you, it cuts you to your soul. Sometimes it's very difficult to come back from that. I'm supporting so many police officers and other front-line responders who are dealing with that very topic right now. Some of them may not even be able to come back to work because they feel so strongly against their organization or against the WSIB. There are two layers to it. It's significant.

Mrs. Gila Martow: I think the key word is “betrayal.” I think that people—we have a limited capacity for what type of emotions we can overcome. I think that, so often, when we don't have the support, a small situation can have incredible symptoms, while somebody could be in a horrific situation, but, when their supervisor insists they get the proper treatment and get the time off and maybe continuously deals with the situation by ensuring what type of work they do for the time afterwards, that can mean that somebody can cope with a really traumatic situation.

Mr. Brad McKay: It's huge, yes. And where you can fill in the blanks is a competent peer-support system that takes your member's hand and helps them surf through that difficult time with supervisory support, management support and good peer support and follow-up.

We were talking about follow-up a few minutes ago. There always must be follow-up. The Ombudsman of Ontario talked about follow-up with their OPP investigation. There has to be follow-up, and you need to not only latch on to these guys, but hold on to them and follow up. There's nothing more important.

Mrs. Gila Martow: I'm just going to mention that the member opposite—this committee heard some horrific stories from women who miscarried or gave birth to, unfortunately, babies that didn't survive and the supports weren't in place, and how traumatizing that was. I think that the committee members and members of the public were so shocked to realize that there's no difference, physically, in giving birth to a live baby or a dead baby. The trauma that results from that baby not living is just so emotionally incredible.

The Chair (Mr. Peter Tabuns): Mrs. Martow, I'm sorry to say—

Mrs. Gila Martow: Thank you very much for your comments.

Mr. Brad McKay: Yes, children are our Achilles' heel, absolutely.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today.

Mr. Brad McKay: You're welcome, sir. Thank you for having me.

ONTARIO ASSOCIATION OF PARAMEDIC CHIEFS

The Chair (Mr. Peter Tabuns): We go on to our next presenter, then, the Ontario Association of Paramedic Chiefs, and I have Mr. Neal Roberts.

Mr. Roberts, as you've probably heard, you have up to 10 minutes to present and then we have three minutes per caucus for questions. If you'd introduce yourself for Hansard, and then we can proceed.

Mr. Neal Roberts: Good afternoon. I would like to thank the committee for giving the Ontario Association of Paramedic Chiefs, the OAPC, the opportunity to provide you with our thoughts on Bill 163, the Supporting Ontario's First Responders Act.

My name is Neal Roberts. I am the president of the OAPC, which represents paramedic services leadership in 52 designated delivery agents, or DDAs, consisting of regional, county and municipal governments, and district social services administration boards across Ontario. Our membership includes Ornge, four First Nations emergency medical services, and every DDA in the province.

OAPC members oversee the work of 7,000 primary care, advanced care and critical care paramedics as well as 830 ambulances and 300 emergency response vehicles across the province. We are the leading authority for paramedicine design and delivery in Ontario.

Let me begin by stating our support for this proposed legislation. We support it because research shows that first responders develop PTSD at twice the rate of other Ontarians. By creating the presumption that all PTSDs

developed by a first responder are work-related, our staff will have easier and quicker access to proper diagnosis and proper intervention.

While we have yet to find a cure for PTSD, it can be managed with the proper tools. Bill 163 will expedite access to those tools for paramedics and other first responders in our province. This bill will also provide much-needed support and tools in advance of a critical incident and, hopefully, help lessen the impact of these situations.

We as an association met several times with Minister Flynn while this legislation was being contemplated and drafted. I'm pleased to tell you that the minister has listened to and heard, as well as acted upon, the information that first responders and their services provided to him and his office during those discussions.

The OAPC has been welcoming of initiatives that address staff workplace injuries, whether they be physical or mental. We applaud the government, and both opposition parties, for their non-partisan approach to this very important issue. Bill 163 will go a long way to improving supports available to paramedics across Ontario dealing with PTSD.

We are here today to thank you for bringing forward this proposed legislation, but we're also here to ask you to widen its reach.

Many of our members provide paramedic services in northern, rural and remote communities. We believe that the definition of "first responder" needs to be expanded so that Bill 163 addresses the unique needs of these communities.

By way of example, first-response teams have been an integral part of the northern emergency medical response landscape for nearly two decades. These teams are not comprised of qualified paramedics. Rather, they are comprised of volunteers who are trained and certified to provide immediate intervention and treatment in communities that are 20 minutes distant, or more, from the nearest staffed ambulance service. They use a non-ambulance vehicle to transport themselves and their equipment. Once they're on scene, they will render basic first aid and use many of the same tools for stabilization found on board the arriving ambulance. However, these teams do not move patients unless it is into their stationary vehicle and it is necessary to maintain the patient's privacy and warmth.

These teams are dispatched by local central ambulance communications centres and remain in radio contact with the central ambulance communications centres and the oncoming ambulance, to provide updates to both the paramedics and dispatch.

These teams are generally the first responder on scene and, in many cases, are the first to arrive. As a result, it is not uncommon for the first-response teams to be alone with the patient in rural and isolated areas for an extended period of time.

We also believe that the definition of "first responder" needs to extend to paramedic services management, who

are required, from time to time, to respond on scene to a multi-casualty incident, providing support to responding paramedics.

Our recommendation to the government and to this committee is to revise the definition of "first responder" to include "chief," "deputy chief" or "commander," whose job description requires them to support or attend a call or an incident in the performance of his or her duties.

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First-response teams and paramedic service managers face the same dangers and traumatic scenes as paramedics. As currently drafted, Bill 163 does not extend to either group. We believe they should have equal access to WSIB benefits and treatments if they are diagnosed with PTSD by a psychiatrist or psychologist, as proposed in the bill.

The health, safety and well-being of our staff remain OAPC's top priority. As such, we believe that while Bill 163 is an important first step toward protecting the mental health of first responders in Ontario, much greater emphasis is needed on support for paramedics ahead of a traumatic incident. We need to better prepare paramedics for occasions where they have to respond to such situations. As the old adage goes, an ounce of prevention is worth a pound of cure.

Paramedics are on-site at some of the most shocking incidents that a person could witness. They also have a longer exposure to patients at traumatic events. For these reasons, we need more training for paramedics on how to ready themselves for such incidents, which are inevitable in our line of work.

Paramedics may never be completely immune from what they may encounter when they arrive on scene, but they certainly could be better prepared. That support not only needs to be ahead of a traumatic incident but throughout the entire career of a paramedic. It is about providing support in light of the cumulative effects of several incidents over their career, as well as ensuring that their training is kept up to date.

The OAPC is aware that this is no easy feat and will require cultural change within our first-responder community and at the WSIB, as well as with the general public. We will be an active participant in this important work and will continue to find new and better ways to support our paramedics.

Thank you for the opportunity to appear before you today, to let committee members know of the important work and our support for this legislation and how we believe it could be strengthened. Bill 163 is an excellent foundation on which to build. We hope you will carefully consider our input, make these important amendments and move quickly to enact this legislation.

I would be pleased to answer any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you very much, Mr. Roberts. The first questions go to the government. Mrs. Mangat?

Mrs. Amrit Mangat: Mr. Roberts, thank you very much for bringing this to our attention. We do understand this issue.

You have said that managers should also be included under PTSD. Can you please clarify on that?

Mr. Neal Roberts: What we're referring to is that paramedic managers are required from time to time to be what we call a "duty officer." They are responsible to oversee the system on-call at home at night.

A good example that you may recall from many years ago in a rural service: There was a migrant worker with a van that had overturned, and there were a lot of patients on the scene. In that case, the chief or a deputy chief would have been the duty officer while at home, and would have been required to attend that scene because of the large number of patients on scene.

It's rare, but that's part of the duty officer role, and that's why we're proposing language such that if they're required to be a duty officer and potentially respond to a scene from time to time, then they should potentially be considered as a part of it.

Mrs. Amrit Mangat: So when you talk about managers, this means—just to clarify for myself—you're talking about paramedic chiefs?

Mr. Neal Roberts: Paramedic chiefs, deputy chiefs and what we call a commander or operational manager level.

Mrs. Amrit Mangat: So what you're saying is that they wouldn't be covered under this presumption?

Mr. Neal Roberts: At this time, our review indicates that there are some managers or chiefs in the field who are currently not active paramedics or communicators for the purpose of how the legislation is currently written. There are two chiefs who come from a communications background who are overseeing their service, and as such they may not be currently qualified as paramedics or as communicators, and may fall outside of the definition of how it's interpreted.

Mrs. Amrit Mangat: Do you have any examples of why they should be covered?

Mr. Neal Roberts: Again, as I indicated earlier, if they're on call as a duty officer, then they're required from time to time to attend a scene, especially if it's a multi-casualty incident, to provide support to their supervisors and paramedics on scene. Basically it's the old adage of "all hands on deck," especially if you're in a rural community, and that's more likely.

In a service of my size, in the city of London, the likelihood of me being on scene is less likely, but when you're in a more rural or remote community, that's when you're probably more likely to be called to assist.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Peter Tabuns): Thank you, Mrs. Mangat. Mrs. McGarry, you have 40 seconds.

Mrs. Kathryn McGarry: Okay. I just wanted to touch on prevention, since you mentioned it in your remarks. Can you share how prevention in the workplace would be helpful?

Mr. Neal Roberts: Certainly. I can speak probably more locally versus systemically. It's about providing support not only to paramedics but to all staff within a paramedic service or first responders, on employee mental health awareness, so that they understand the various aspects, but also providing areas such as—as you've heard today—R2MR and that type of training, so that staff are well prepared.

I know that, in our service, we have a very robust EFAP—Employee and Family Assistance Program. It's not only available to paramedics; it's also available to their families because we know that—

The Chair (Mr. Peter Tabuns): Mr. Roberts, I'm sorry to say that you're out of time. I appreciate the questions.

We'll go to the official opposition. Mr. Coe.

Mr. Lorne Coe: Thank you, Mr. Chair, and through you to the delegation: Thank you for being here.

In your deputation on page 2, you talked about the first response teams up north. How many are there?

Mr. Neal Roberts: I don't have the exact number, but I can certainly get it for the committee. There are, I would suggest, probably under 10. The majority are probably covered under the First Nations designation, but there are a couple that fall outside of First Nations, and that's why this issue was brought forward to this committee.

Mr. Lorne Coe: All right. Thank you.

Do you get a first question?

Mr. Rick Nicholls: No, I'm fine.

Mr. Lorne Coe: All right.

One more question: In your discussion of the inclusion of the chief, deputy chief or commanders within the context of what we're discussing, to what extent have you also considered retired staff in that category as well?

Mr. Neal Roberts: If I could just ask for further clarification: "Retired" in the sense of, if they're on duty?

Mr. Lorne Coe: You refer here in your deputation to the chief, deputy chief or commander. There are going to be situations where those individuals retire and there's going to be a reoccurrence of what has transpired. What type of supports—

Mr. Neal Roberts: Certainly. The amendment that we put forward is for a chief, deputy chief or a commander who is currently in the system and is required, during their employment, to respond to a call while they're the on-duty officer. It wouldn't probably apply to somebody who has retired.

Mr. Lorne Coe: All right. Thank you, Mr. Chair.

The Chair (Mr. Peter Tabuns): Thank you. No other questions? None?

I go to the third party: Ms. DiNovo.

Ms. Cheri DiNovo: Thank you for your presentation. It was very informative. You brought forward an interesting aspect. I was just discussing with my colleague that, because people change titles in the role of first responder—people get promoted; they move on—that should not affect the diagnosis or the presumption of PTSD.

I thought that was extremely interesting. I'll let Jen go from there. It's something that we haven't thought about, so thank you.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: Yes, it does beg the question of going back the 24 months: Is it just the title or the label that you're wearing in the current role, or can your previous role be considered? Anyway, food for thought for the government.

Thank you for bringing up support ahead of a traumatic incident because we've talked about prevention and we've talked about being proactive, but recognizing that the training pieces prepare for a traumatic incident, not just in the wake of—I think that's an important piece to the plans and to that prevention piece. So again, thank you for that.

You had brought up the northern emergency medical response teams. Again, we've been talking today about northern communities and some of the specific challenges up north, whether it's health care or, in this case, response times and those who would be responding. Are those teams volunteers, or are would they actually have WSIB coverage?

Mr. Neal Roberts: Thanks for the question. My understanding is that they are part of the ambulance service itself. While they're not direct employees, they are like a supplement or, in a more remote community, they're the first responder itself.

As to whether or not they're compensated, I can certainly look into that and get back to you. My understanding is that, if it's similar to a volunteer fire department, they are—if I'm correct—covered under WSIB. So I'm assuming there are some similarities as to how an emergency first responder would also operate.

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Ms. Jennifer K. French: Certainly. Not being familiar with it myself, if they aren't covered by WSIB, then there's a loophole there, and they would need appropriate coverage.

One other thing you had mentioned was the cultural change that we'd need to see across our first-responder community. Thoughts on what that cultural change could look like?

Mr. Neal Roberts: I think, as you've heard from your earlier speakers, it's about basically dealing with the issue but certainly providing the resources and the support in advance.

I realize that paramedics, as well as all first responders, have a very difficult job to do. Certainly, it's about supporting them and making sure that they have those supports in advance. They also not only have to deal with issues at work; they have issues at home, they may have financial issues, and all of that compounds it.

It's about making sure those supports are well in place in advance so when a critical incident does happen, it's obviously lessened. It's not going to take away what the paramedic or the first responders have to deal with—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, we've run out of time.

Ms. Jennifer K. French: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation this afternoon.

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION,
AMBULANCE DIVISION

The Chair (Mr. Peter Tabuns): We go next to the Ontario Public Service Employees Union, ambulance division: Mr. Jason Brearley. The Clerk is about to collect your presentation. Sir, you have up to 10 minutes to speak, and then there will be 10 minutes of questions, split evenly between the three parties. If you'd introduce yourself for Hansard, we can get under way.

Mr. Jason Brearley: Hi. My name is Jason Brearley. I'm coming to you from OPSEU's ambulance division. We represent approximately 2,100 paramedics and approximately 700 dispatchers working here in the province of Ontario. I myself have been a paramedic for 19 years. I currently practise as an advanced-care paramedic in central Ontario. I'm proud to be in the company of my fellow first responders as we speak about this vitally important legislation today.

I'll begin by thanking the government for introducing the legislation, all three political parties for supporting the bill, and those who have passionately pursued the legislation since 2010, when we had our first go at it.

The acronym PTSD hasn't been in paramedics' vocabulary for more than about 10 years. However, I can assure you that the condition has existed ever since kind people have been volunteering to put themselves in the presence of tragedy in order to provide care.

For responders and legislators, one of our challenges in dealing with PTSD is that the triggers are very unpredictable. A single call for a critically ill child who happens to have the same birthday as your own or who shares a physical trait with a niece or nephew can be enough to provoke a cascade and be a trigger for PTSD. Conversely, a paramedic or dispatcher can feel building pressure as weeks go by, where, once or twice a week, you end up on serious calls that further make you vulnerable to the signs and symptoms of PTSD.

At best, these stressors can ruin a day or a week, which has happened to almost anyone who has done the work long enough. But at worst, these stressors can cause deep depression, end relationships, and, as we've seen here in Ontario, result in the tragic loss of life.

This unpredictability challenges us all. As co-workers, we have a hard time knowing that the individuals we work with are suffering. Because of the stigmas around mental health, often those suffering from stress and depression are not forthcoming with their symptoms. Families don't understand what is wrong or what they can do to help. Employers in my line of work especially don't have day-to-day contact with their employees and are not as effective in helping identify problems or concerns.

This inconsistency extends beyond the care of the individual. It presents the leaders of the profession, as

well as the governing bodies, with a particularly difficult challenge in managing the problem on a systemic scale.

That there is a systemic problem is undeniable. In Canada, five suicides of paramedics were reported in 2014. That number tripled in 2015 to 15 paramedics. In the first two months of this year alone, 2016, we've had six suicides across the country. These alarming statistics are reflected in all of the careers considered in this legislation.

Our employer is always under pressure to find efficiencies. How taxpayer dollars are spent always warrants examination, but somehow it always results in paramedics doing more calls with less recovery time.

Our population is aging, and this is no secret in any of our workplaces. In my workplace alone, a study was commissioned that predicts an 80% increase in call volume in the next 10 years.

Ontario ambulance dispatch centres are in a staffing crisis. Some larger centres are seeing dispatchers answering and engaging in almost double the acceptable amount of 911 calls per person. This means they have little to no time to regroup before picking up the next 911 call. Further, there is limited training and support for first responders in the area of traumatic or emotional events. This guarantees that our systemic problem will only get worse.

Paramedics are a stoic group. I recently saw a meme on social media that showed a paramedic counselling her child, and her quote was, "No, son, you have a paramedic for a mother. You won't be going to the hospital unless you're dying." Dark humour, to be sure, and typical of my profession, but it illustrates our paradoxical reluctance to seek help. Just getting a paramedic or a dispatcher to acknowledge they need help and time away from work is very difficult.

Currently, when a paramedic or any first responder identifies that they have PTSD—a stage that many of us never reach—they are confronted with having to initiate a claim to WSIB. This means recounting their struggle and their triggers to their own physician and to someone in their workplace. In most cases, the next step is a denial of the claim by WSIB, often supported by letters from the employer encouraging the denial. This alone is a systemic barrier to getting treatment and a deterrent to asking for help.

The next steps usually include recounting the triggers to a WSIB adjudicator and to an independent assessment doctor who's not generally supportive in the process. It's well known in our workplace that this process is very difficult. I suspect it's why so many of my co-workers don't seek help until it's too late.

Further, it's counterproductive to an effective PTSD treatment plan to recount the details of your stressors since the very act of recounting can be harmful.

In my line of work, we talk about the risk/benefit analysis of treatment plans. That's because we're frequently confronted with unpredictable and inconsistent symptoms. In a very short period of time, we're required

to consider a treatment plan and decide whether the benefits outweigh the risks of the proposed treatment.

In considering the solution to PTSD, particularly the part that applies to workplace insurance, the risk is not being fiscally responsible. We task the government with spending our tax dollars wisely, but we also expect you to look after us in our time of need. I would say that, most particularly, we expect you to look after us when that need arises out of serving the people of Ontario.

I and my fellow paramedics understand that when we are addressing a musculoskeletal injury, some extra assessment before treatment may be warranted. However, when further assessment is likely to do harm and expose the patient to prolonged suffering, the benefits of immediate treatment outweigh the risks.

There's no such thing as perfect legislation, but we all need to sleep at night. I implore you to consider how robust presumptive legislation on PTSD for first responders will decrease suffering and save lives. It's the right thing to do. We can no longer accept the risks of the path we're on. I'm convinced that informed taxpayers and legislators would agree.

My fellow paramedics and I know that the next shift might be the bad one, the one that keeps you awake for a couple of days or causes you to have a few tears when you get home. These are the days that come to mind inevitably when somebody asks you in a social situation, "What's the worst thing you've ever seen?" I almost never answer that question, and I'm not here to traumatize you with any of those stories. Rather, I want you to understand that all of us willingly bear these burdens. But when it gets too bad, when the memories start to pile up, when we find ourselves short-tempered or depending too much on the next drink, we need help and we need it before we lose our jobs, before we lose our families. The truth is, we need it before the next independent medical ordered by WSIB. Please believe me: If we ask for help, it means we need it, and it is that bad.

PTSD can be treated, and those suffering from it can return to being productive workers, often as better paramedics and dispatchers than they were before the diagnosis. But that treatment needs to be well timed and it needs to be accessible and without creating further suffering.

Please use your power to remove the systemic barriers and allow those who suffer from PTSD to seek help and remove themselves quickly before they do that last call that puts them over the edge.

The Chair (Mr. Peter Tabuns): Thank you very much for that presentation. We go first to the official opposition. Ms. Martow.

1700

Mrs. Gila Martow: Thank you very much for sharing with us and for your presentation. I just want to mention that, as I'm listening to all these presentations—when you said that people ask you at a party, or ask first responders, "What's the worst that you've seen?", I was reminded, as an optometrist working in a hospital with my husband, who was an ophthalmologist, of when a

patient came in from the emergency room. He didn't wear safety glasses on a construction site, and a rivet went right into his eye and was sticking out of his eyeball. His friend brought him to the hospital, so you guys didn't have to deal with it. His friend literally had to take his friend to the washroom; that's how ill his friend became. He asked me how it was that my husband was able to take this gentleman into the hospital, into the operating room, remove it, and not seem ill.

I think that it's all about having the support. Doctors really have the support of the community. They have the support of the hospitals. They have the support of their patients. I think people recognize what they're dealing with. Somebody would never ask a doctor at a party, "What's the worst you've seen?" They don't want to hear about it. But somehow, it's considered a joke that first responders and police see these horrific things. It's not seen as the medical emergency that it is.

Who do you think is the best to diagnose and help treat—medical professionals, counsellors of some type, nurse practitioners? In your opinion, if you have one.

Mr. Jason Brearley: I do have an opinion, but it's not consistent exactly with the question. That is, in my limited experience, I've seen a really wide diversity, under all those titles, of knowledge of PTSD. Some of the doctors that I've seen speak and seen diagnose the people that I work with have a very high level of knowledge of the nuances, and some don't. So I wouldn't suggest that it's a title so much as it is somebody who is very experienced and qualified. It's my experience that, under the current regime, independent medical doctors are not assigned to these cases based on their experience with PTSD, so there seems to be a wide variance in who is able to do the best work.

Mrs. Gila Martow: So we need some kind of medical specialist.

Mr. Jason Brearley: Yes.

Mrs. Gila Martow: Thank you. Any further questions?

The Chair (Mr. Peter Tabuns): You have 20 seconds, Mr. Nicholls.

Mrs. Gila Martow: Make a quick comment.

Mr. Rick Nicholls: That's long enough, I hope.

The Chair (Mr. Peter Tabuns): To the point, sir, to the point.

Mr. Rick Nicholls: First of all, thank you so much for coming in. I have several friends in the Chatham-Kent area who are paramedics. I want to relate a story very quickly: 2007; icy conditions; Blenheim area; a paramedic responding to a crash was in fact involved in a crash himself, and he lost his life.

Mr. Jason Brearley: In the SUV. I'm familiar with it.

Mr. Rick Nicholls: That's right. I'm concerned about the fact that—what were the steps that could have been taken by the professionals—

The Chair (Mr. Peter Tabuns): Mr. Nicholls, I'm afraid you've gone over your time.

We go now to the third party. Ms. French?

Ms. Jennifer K. French: Thank you for joining us today. I appreciate it, and I very much appreciated your presentation.

One of the things that is before us is that list of who's on it and who isn't. Most of the presentations today have called to expand this piece of legislation to include those who will need that coverage.

I brought it up earlier. Is the language around "dispatchers" sufficient? I'm asking because, as you mentioned, 911 call operators—what does the language need to be to ensure that it is the person who takes the call and is on the call, not just the person dispatching the call?

Mr. Jason Brearley: I can only speak to the central ambulance communications centres. The 700 people that I am here representing work in the central ambulance communications centres. All of those people in that building, at one time or another, are taking a call or are involved in a call that could end up being traumatic. My understanding of the legislation, and not being a legislative expert, is that it includes all of those people.

I'm not familiar with the police or fire dispatchers. In each of the jurisdictions, one of those organizations is the actual first organization answering the call. I don't know whether the legislation is enough.

In my mind, anyone who is on that end of the phone, receiving a 911 call, should be included.

Ms. Jennifer K. French: Okay. Are all of yours called "dispatchers," per se?

Mr. Jason Brearley: I believe so, yes.

Ms. Jennifer K. French: Okay.

Mr. Jason Brearley: Communications officers—and, I believe, even the managers who are involved, who may answer a call, are also called communications officers, so I think it's adequate.

Ms. Jennifer K. French: And I think the spirit of the legislation is to include all those people, but we want to ensure, legally speaking, that we have this—

Mr. Jason Brearley: I can certainly get back to the committee and have somebody look at it.

Ms. Jennifer K. French: Okay, and I thank you. I appreciate, as you were saying, that you would have us look after you in your time of need and remove systemic barriers. This piece of legislation is obviously vital, but the system isn't going to change. This is the presumption for this group of people, but the system itself in terms of the WSIB system—those who are not covered by the presumption would still have to battle that system and be retraumatized potentially by that system.

What would you like to say about that system? Perhaps there's some learning that can be gained from this and we can strengthen the system outside of those who are covered by the presumption.

Mr. Jason Brearley: Right. If I were to strengthen the system in terms of mental health in particular, I would caution that it's very easy to say, "I broke my leg at work," and you have an X-ray and you have an acute event. I think it was alluded to at least in a couple of the presentations before: There's not always an acute event, and because it's a cumulative potential, it's very hard—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time.

Mr. Jason Brearley: Tread lightly.

The Chair (Mr. Peter Tabuns): And we'll go now to Mr. Colle and then to Mr. Anderson.

Mr. Mike Colle: Yes. Thank you very much for that very earnest, thoughtful presentation. You gave us the real goods on that.

Just to clarify, I think you're correct in terms of dispatchers are covered, and if you wanted further details on that, we can—

Mr. Jason Brearley: Communications officers, yes.

Mr. Mike Colle:—avail the committee of that. I'll pass it over to my colleague.

The Chair (Mr. Peter Tabuns): Mr. Anderson.

Mr. Granville Anderson: I also want to thank you for being here, Mr. Brearley, and for your work, keeping us safe and helping those in need of your assistance. As I said, that resonates with me. My daughter is a paramedic, so I know exactly how difficult the job is.

Earlier on, a number of presenters alluded to the fact of how difficult it is to navigate the WSIB system. Hopefully—can you explain—hopefully this bill will help make that easier.

Mr. Jason Brearley: I think so. I think that not only will it make it easier; the perception of my co-workers will be that it is easier, and that will get you more people being honest with the system about the symptoms they're having.

We talk about prevention, and prevention, in my mind, in most of these cases is about early diagnosis of early symptoms. The stigma that we're fighting in our workplace is that people aren't coming forward in a timely fashion. I think they're afraid of the process. They're afraid of the stories they have heard from other co-workers about the interviews they've had to sustain and the process they've had to go through. Any kind of step we can take to make that appear to be more streamlined and appear to be more accepting I think is going to get more people the help they need and maybe less cases where the person is going off work for the rest of their career and more cases where the person is going off work to get treatment and return.

Mr. Granville Anderson: You also mentioned stigma, which has been—the other presenters as well. You're doing some kind of initiative to overcome that stigma. Can you explain what you are doing within your workplace?

Mr. Jason Brearley: Yes. My specific workplace—and this is consistent across the paramedic services that I represent and the people I speak with. You're starting to see mental health show up on our continuing medical education agenda. For those of you who are unaware, paramedics attend regular education throughout the year, and those agendas of those days are starting to talk about mental health. They're starting to talk about support. There are videos about symptoms—and again, we rely heavily on our co-workers to identify those symptoms when we're unable.

My managers see me for a couple of hours a week. The rest of the time I'm not working in the same building or the same place as they are. My family and my co-workers' families aren't highly educated on PTSD, so the education point is very large. The more we can get people helping each other out, the better.

The Chair (Mr. Peter Tabuns): And with that, we come to the end of our time. Thank you very much for your presentation.

Mr. Jason Brearley: You're welcome.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, MENTAL HEALTH DIVISION

The Chair (Mr. Peter Tabuns): Our next and last presenter for the day: Ontario Public Service Employees Union, mental health division, Ed Arvelin. Mr. Arvelin, as you've heard, you have up to 10 minutes to present; then we split 10 minutes between the three parties. If you'd introduce yourself for Hansard, we can proceed.

1710

Mr. Ed Arvelin: Hello. My name is Ed Arvelin. I work at the Lakehead Psychiatric Hospital in Thunder Bay as an RPN. I've worked in mental health for almost 20 years now. But that's not the only thing I've worked in. I've worked in cardiac step-down; I've worked in hospice, acquired brain injuries and pretty much every field in mental health, from crisis response to community health to acute care units to our forensic units—so, been there, done it in health care.

Thank you for this legislation. It's long overdue, but it's a start. It does not go far enough. It needs to go further and it needs to include others: "others" meaning health care providers, front-line workers, other CSA workers, developmental service workers—the stuff where front-line people see and suffer from PTSD all the time.

OPSEU will be giving you an electronic version of our submission, but I wanted to give you a personal story because, working in mental health, I see it and I know it and I live it. Stand beside a nurse when a code is called—a code white, violence; red, yellow, blue, orange, black, pink. You see the reaction: It's a stop to listen and let's get ready to run. That's what we do.

We are first responders; we are first on the scene in the hospitals, in our communities. We're crisis responders. In our communities, we are usually the first ones there, dealing with crises with our patients in the communities. That needs to be addressed.

I'm going to give you a little history on some of the violence that we've seen. I'm sorry, I got a little nervous because this is very passionate to me and I've seen it lots.

A couple of violent situations that I've seen: When I first started, I got called to a code white. You get assigned to a code white—"Attention, assigned staff. Perk up, listen, run to that location." Getting on to the unit—I still remember it as clear as day. I walk in and I see a person, a female, being held by the hair, her hands

in the nurse's hair and her head being swept across the floor like a mop. You don't unsee that. We got on to the situation and got the person secure and the treatment delivered. It was good. Unfortunately, that person has never stepped onto another acute unit ever again. We got to see that.

Another one was another attending-a-code-white situation. "Attention, assigned staff; code white. Perk up, listen, run." Go on to that unit—it was insane. I hadn't ever seen that much blood. A person was on top of one of my buddies, in front of him, pounding his face, his face caving in. We got on top of him, we secured the patient and got him safe. We went after our own and made that he was safe and secure. He ended up with two rods in his nose, which stopped his face from caving in because of the violent attack. Again, that's something that you just can't unsee.

Deaths: You see it all. We have cut-down knives hanging in our office on our psychiatric units. We've had to cut down individuals. You don't unsee that.

I've held a person's arm together because they were very creative in peeling apart a BIC razor. What they did is they pulled the razor and they cut from the wrist up to their elbow—not just once, but they did it several times. They came out in the hall; blood was gushing. We held her arm together. We called the emergency responders. They came, and that person survived. Again, you don't unsee that.

Our community people are walking into people's homes and finding a person dead because they've cheeked their medication enough to the point where they could commit suicide. Our staff are walking into that situation and seeing that; it's stuff you don't unsee.

PTSD, what we do: We call it mental health days in mental health. They're sick days, but we call them mental health days because, do you know what? We just can't listen to it; we can't hear it; we've been through enough; we're shaken.

The lack of support that we feel after incidents: The way I was brought up was, "Okay. You're all right? Good. Next patient." It's slowly evolving. Conversations are happening by the employer. They're realizing they have to provide different services. Small steps; more is needed.

Reporting of PTSD often doesn't happen with people that provide mental health training because we're supposed to be the mental health experts, right? We should know how to take care of ourselves. Good luck. A brother said, "A mom or dad who works in the medical field? You've got to have an arm hanging off or a foot dangling to go." Mental health is the same thing with mental health service providers. That's what we do.

Also, we're bleeding hearts. We work longer hours. We go in with the mentality that if we book off, our patients suffer because a lot of times in our communities there is no backfill. If I book off on the in-patient units or in our institutions, our co-worker suffers because there's no backfill. I've gone home after a shift and needed quiet for at least an hour, just to settle my thoughts. That

means I had to shut down my children and my wife because of events that have happened that I've had to deal with.

There are four main points that will help assist front-line service providers: Cover all front-line service providers; strengthen preventative measures; allow doctors to diagnose—physicians; and make sure that benefits are being provided for—wages and treatment. Dealing with WSIB sucks because PTSD is unrecognized. It's an invisible illness, and it happens all the time.

I'm good.

The Chair (Mr. Peter Tabuns): Okay. Thank you for your presentation. We'll start with the third party. Ms. French.

Ms. Jennifer K. French: Thank you so much for coming and reminding us all why we are sitting here: because there are very real people across our communities who are doing very real work. While we've heard that today, I think I've appreciated yours for a different reason, and that is that you are sitting there representing a group that is being left out and providing the care, the mental health support that we're sitting here talking about. So, thank you.

Some of your points that you made—the lack of support that you feel after an incident—I think speak to what we've had a number of other presenters talk to. That is, what happens immediately after a traumatizing incident needs to be part of those plans if this government is going to put in this bill about prevention and in plans—the immediate window after and how our first responders are supported.

Also, as you said, dealing with WSIB sucks. We've been hearing that over and over in terms of the process—reasons why front-line service providers might not report because they don't want to have to go through it again and again or get into family history that may or may not be relevant when you're talking about a workplace injury like PTSD. I think it's very sobering to imagine the work environments that our various first responders wake up and go to every day or every night. So thank you for bringing that to us.

In terms of clear amendments, something that you would like to see, you mentioned four takeaways there at the end. "Cover all": who specifically? How would you word it?

Mr. Ed Arvelin: Wording specific, I think, will come from OPSEU. We have our people looking into that specific language change and amendments. But it's inclusive of all front-line service provider staff—the care providers. You've got the developmental service workers. You have the CAS workers. You have mental health workers. You have our ambulance. Everybody who's providing a human service deals with human values and human problems, and those are the people who should be included because it's real.

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Ms. Jennifer K. French: Anything else that you would like to add?

Mr. Ed Arvelin: You know what? I can go on forever. It's easy. Our psych facilities: We got divested for a

long period now. The problem, or what happened with that, was decentralizing of psychiatric facilities, so we lost that central table. Now we're picking up the pieces of the fragmented services, and we're having to try to get together and bring together solutions to 12, 13, 14 different parties that are all public or private—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time with this questioner. We have to go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: I really appreciate what you had to say today. As a former critical care nurse, I have been witness to a lot of the codes that you were talking about, including code whites.

You mentioned the lack of support and follow-up. I think some workplaces have actually addressed support and treatment better than others. I think I was fortunate. We always had a critical incident debrief team when we needed to be debriefed in hospitals that I was working in. But I know that's not the case across the way, and you've mentioned a few of these things.

I know that Bill 163 has expanded the coverage to include workers in correctional institutions, places of secure custody, those kinds of things. But in terms of prevention, Bill 163 is proposing to give the minister an ability to request and share information to employer prevention plans and programs. How do you feel that would assist mental health in a workplace, going forward?

Mr. Ed Arvelin: Oh, 100%. We found it helped with Bill 168, article 32, under the health and safety act, with the risk assessments, and the violent risk assessments specifically. So, seeing that and having that paralleled in a similar situation, absolutely, because it forces the employer to take notice of a situation that needs to change. I could not advocate for that more.

Mrs. Kathryn McGarry: Do you think that the proposed changes, then, will improve mental health across a workplace?

Mr. Ed Arvelin: If mental health gets included, absolutely. Right now, we're out. We're having trouble streamlining who we talk to, and we have to talk to each and every employer and get them to agree to that change, when you're dealing with 15, 16 different employers, so the tough part is coordinating our efforts. We're getting there. We're fragmented; we're coming back together. But it's a matter of having that voice, and that's where we lack. It would be tougher for us to do that.

Mrs. Kathryn McGarry: The other thing I wanted to ask you about is that you mentioned the stigma of mental health issues in the workplace. Again, some workplaces have a culture that has a larger stigma against admitting that you're having some issues. What do you think is needed to reduce the stigma of PTSD and mental health issues in the workplace?

Mr. Ed Arvelin: Talking. Not myself today, but Jeff Moat—we've brought him in to talk to our mental health people all the time.

It's just as simple as wearing a button saying, "I'm feeling crappy," "I'm feeling angry," "I'm feeling sad," because it promotes the talking and the conversation. It

brings it out of the dark. It brings it into light, so people can talk about it, and that's it: It's making people feel okay to do it.

Again, specifically with mental health, that's what we're supposed to be there to provide. So you get a little bit more of the stigma, like, "Okay, if I show weakness, am I that good of a mental health provider, in that I can't even fix myself?" That happens.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Peter Tabuns): Okay. With that, I'm sorry to say we have to go on to the next questioner. We go to the official opposition. Mr. Nicholls.

Mr. Rick Nicholls: Thank you very much, Ed, for coming in this afternoon. One of the things—and I referenced this earlier this afternoon—was September 3, 1999. That was that fatal crash, probably recorded as one of the worst car crashes in Ontario history. There were a lot of heroes that day. We talk about fire, we talk about police, we talk about EMS, and civilians, but you know what? We also need to talk about nurses as well, and what they had to see and what they had to do.

I often wonder. I mean, I was there; I was one of the civilians. It was 17 years ago, and I remember it like it was yesterday. People said, "Rick, maybe you've suffered a little bit of PTSD." Well, I've had to deal with it. Talking about it was a big thing for me—helpful, very, very much.

But I guess my concern is that when you do take a look at it—you talked earlier about the importance of the front line, people on the front line, and what they have to deal with. There are circumstances and situations—and I guess when you talk about front line, the question is, where do you draw the line for front-line people who have to deal with these circumstances and situations day in, day out? They say, "Well, it's part of the job." The old stigma used to be, "Suck it up, buttercup. You're a big boy now." But the fact of the matter is, we're human beings. We have to deal with it. We have families we have to go home to, and sometimes if we shut it in, lock it deep inside, they begin to see behavioural changes that we may not even be aware of.

Again, I appreciate the issue you brought forward today. I can only hope that as we review circumstances and situations, we'll be able to take a closer look at front line and who can be and should be included in that.

Based on your circumstances and situations, what words of advice would you give to someone—earlier, you mentioned talking it out—who is in a similar situation as you?

Mr. Ed Arvelin: What helped us—I grew up in mental health—was mentorship. You have the senior staff who have been there for a while, or people you trust, because when you're in bad situations, you develop a bond. It's a brotherhood and sisterhood. You hear it in the labour movement all the time, but it's actually true on the unit because you expect that person to have your back and you have theirs. Having that person there to talk to is more beneficial than any EAP service that could ever be

provided. Having peer support, specific peer groups—and I know some institutions have that, which I've heard works fantastic—I could see a change, and see how that works.

Mr. Rick Nicholls: I think training is a big thing, too. Making sure that the proper people are qualified to deliver that training is critical. I believe that this bill will also provide funding for additional training.

The Chair (Mr. Peter Tabuns): With that, we're out of time. Thank you very much for your presentation today.

Mr. Ed Arvelin: Thank you.

The Chair (Mr. Peter Tabuns): Members of the committee, this committee stands adjourned until 4 p.m. on Tuesday, March 8, 2016, here in the same room.

The committee adjourned at 1727.

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